

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Housing and Consumer Affairs Legislation Amendment Bill 2024

Contents

	Page
Part 1	
Preliminary	
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Legislation repealed	3
5 New Magistrates Court (Fair Trading Australian Consumer Law Infringement Notices) Regulation—sch 2	3

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	Page
Part 2	
Agents Act 2003	
6 Carrying on business as employment agent Section 12	4
7 Employees not taken to carry on business as agents Section 13 (d)	4
8 Employment agents must be licensed Section 22	4
9 Employment agents—further provisions Division 5.8	4
10 New part 5A	4
11 Receipts Section 130 (1)	6
12 Dictionary, definition of <i>agent</i> , paragraph (a) (iii)	6
13 Dictionary, definition of <i>agents licence</i> , paragraph (c)	6
14 Dictionary, definition of <i>carries on business as</i> , paragraph (b)	6
15 Dictionary, definitions of <i>employment agent service</i> and <i>licensed employment agent</i>	6
Part 3	
Charitable Collections Act 2003	
16 New section 12A	7
17 Section 13	7
18 Unlawfully conducting collections Section 14 (2)	8
19 Unlawfully taking part in collections Section 15 (1)	8
20 Sections 16 to 20	9
21 Decision on application for licence Section 23 (4) (b) (iii)	9
22 Section 24	9
23 Amendment, suspension or cancellation of licence—other grounds Section 35 (1), except examples and notes	10
24 Section 35 (1), notes 1 and 2	10
25 New part 4A	10
26 New section 62A	12
27 Dictionary, new definitions	12

	Page
28	13
Dictionary, definition of <i>licence</i> and <i>nominated person</i>	
Part 4	Charitable Collections Regulation 2003
29	14
Sections 7 to 9	
30	14
Hours of participation Schedule 1, section 1.5	
31	14
Dictionary, definition of <i>licensee</i>	
Part 5	Fair Trading (Australian Consumer Law) Act 1992
32	15
Subdivision 5.1A.1 and 5.1A.2 headings	
33	15
Section 34F	
34	16
New section 34GA	
35	16
Civil penalties—business failing to attend conciliation Subdivision 5.1A.3	
36	17
New part 8	
37	18
Dictionary, definitions of <i>civil penalty order</i> and <i>civil penalty provision</i>	
Part 6	Land Titles Act 1925
38	19
Registrar-general must give information about certain transactions and instruments to revenue commissioner Section 178B (2) (k) to (n)	
39	20
New section 178B (2) (w)	
Part 7	Land Titles Regulation 2015
40	21
New section 3	
Part 8	Residential Tenancies Act 1997
41	22
When does residential tenancy agreement start? New section 7 (2)	
42	22
Terms included in residential tenancy agreements Section 8 (1) (g)	
43	22
Section 8 (4)	
44	23
Section 11A	
45	24
Sections 11AAB and 11AA	

Contents

	Page	
46	Sections 11AAA and 11AB	24
47	Lessor's obligations New section 12 (3) (k) and (l)	25
48	Section 12 (4), new definition of <i>unit title rental certificate</i>	25
49	Section 22	25
50	Section 29	26
51	Evidence of condition of premises Section 30 (1) and (2)	27
52	New section 30AA	27
53	Final inspection and condition report—end of tenancy New section 30A (4)	28
54	Bond release application—lessor's obligations New section 34 (4)	28
55	Bond release application—discrepancy in named tenant New section 34F (1) (b) (iia)	29
56	New section 34F (1) (b) (v)	29
57	Co-tenant may leave residential tenancy agreement New section 35A (1) (c)	29
58	Repayment of bond to leaving co-tenant New section 35B (1) (a) (iii)	29
59	New section 35BA	30
60	Becoming a co-tenant under existing residential tenancy agreement— generally Section 35C (7) (b)	31
61	New section 35EA	31
62	New section 35FA	32
63	Termination Section 36 (1) (c) and (d)	33
64	Section 36 (2)	33
65	Termination of agreement for aged care or social housing needs Section 46A (3) and (4) and note	33
66	Termination of fixed term agreements if premises for sale Section 46B (3) and (4) and note	34
67	New division 4.3A	35

Contents

	Page	
68	No breach of standard residential tenancy terms Section 47 (6)	42
69	Tenant's defective termination notice Section 60 (4)	42
70	Termination—affected residential premises Section 64AA (3) to (5)	43
71	Termination—eligible impacted property Section 64AB (3) and (4)	44
72	Section 64A heading	44
73	New sections 64AAA and 64AAB	45
74	Section 64B heading	46
75	Section 64B (1) (a)	46
76	Orders by ACAT Section 83 (1) (l)	46
77	Section 83 (2), except notes	46
78	Notice of intention to vacate—award of compensation New section 84 (1A)	47
79	Section 84 (1)	47
80	New section 84 (5) (e) and (f)	47
81	Section 84 (6)	47
82	Standard residential tenancy terms Schedule 1, clause 23	48
83	Schedule 1, new clause 23A (4)	48
84	Schedule 1, clause 35	48
85	Schedule 1, clause 36 (1)	49
86	Schedule 1, clause 36 (3)	49
87	Schedule 1, clause 84 (1)	49
88	Schedule 1, clause 84 (2) (a)	50
89	Schedule 1, clause 85	50
90	Schedule 1, new clause 89A	51
91	Additional terms for certain residential tenancy agreements Schedule 2, section 2.1	53
92	Schedule 2, sections 2.2 to 2.6	53
93	Dictionary, new definitions	53

	Page
94	Dictionary, definition of <i>defective termination notice</i> , new paragraph (ba) 54
95	Dictionary, new definition of <i>family violence</i> 54
96	Dictionary, definition of <i>family violence order</i> 54
97	Dictionary, new definitions 55
98	Dictionary, definition of <i>standard residential tenancy terms</i> , paragraph (a) (ii) 55
99	Dictionary, new definitions 55
100	Dictionary, definition of <i>termination notice</i> 56
101	Dictionary, new definition of <i>vacating day</i> 56
Part 9	Unit Titles (Management) Act 2011
102	Dealings with common property New section 20 (5) 57
103	Installation of sustainability and utility infrastructure on common property Section 23 (3) 57
104	Section 23 (4) 57
105	Executive committee—at and from the first annual general meeting Section 39 (4) (c) (ii) 58
106	Owners corporation must not carry on business Section 71 (1), note 58
107	General fund—budget New section 75 (2) (c) (iia) 58
108	General fund—what must be paid into the fund? New section 76 (aa) 58
109	Corporate register—information to be included Section 114 (2) (d) 59
110	Section 119 59
111	Acting on information in unit title certificate New section 120 (2) 62
112	New section 120A 62
113	Section 121 heading 63
114	Section 121 (1) 63
115	Section 121 (2) (a) 63

Contents

		Page
116	New section 121 (3)	64
117	New part 14	64
118	Dictionary, definition of <i>eligible person</i>	65
119	Dictionary, definition of <i>eligible person</i> , paragraph (d)	65
120	Dictionary, definition of <i>unit title certificate</i>	65
121	Dictionary, new definitions	66
Schedule 1	Other amendments	67
Part 1.1	Agents Act 2003	67
Part 1.2	Charitable Collections Act 2003	67
Part 1.3	Civil Law (Sale of Residential Property) Act 2003	68
Part 1.4	Fair Trading (Australian Consumer Law) Act 1992	69
Part 1.5	Housing Assistance Act 2007	70
Part 1.6	Magistrates Court (Agents Infringement Notices) Regulation 2003	70
Part 1.7	Magistrates Court (Charitable Collections Infringement Notices) Regulation 2003	70
Schedule 2	New Magistrates Court (Fair Trading Australian Consumer Law Infringement Notices) Regulation	72

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Housing and Consumer Affairs Legislation Amendment Bill 2024

A Bill for

An Act to amend legislation about housing and consumer affairs, and for other purposes

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

J2023-1273

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Housing and Consumer Affairs Legislation*
4 *Amendment Act 2024*.

5 **2 Commencement**

6 (1) This Act (other than section 5 and part 8) commences on the 7th day
7 after its notification day.

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

10 (2) Section 5 commences on this Act's notification day.

11 (3) Part 8 commences on a day fixed by the Minister by written notice.

12 *Note 1* A single day or time may be fixed, or different days or times may be
13 fixed, for the commencement of different provisions (see [Legislation Act](#),
14 s 77 (1)).

15 *Note 2* If a provision has not commenced within 6 months beginning on the
16 notification day, it automatically commences on the first day after that
17 period (see [Legislation Act](#), s 79).

18 **3 Legislation amended**

19 This Act amends the following legislation:

- 20 • [Agents Act 2003](#)
21 • [Charitable Collections Act 2003](#)
22 • [Charitable Collections Regulation 2003](#)
23 • [Fair Trading \(Australian Consumer Law\) Act 1992](#)
24 • [Land Titles Act 1925](#)
25 • [Land Titles Regulation 2015](#)
26 • [Residential Tenancies Act 1997](#)
27 • [Unit Titles \(Management\) Act 2011](#).

28 *Note* This Act also amends other legislation (see sch 1).

4 Legislation repealed

The following instruments are repealed:

- *Unit Titles (Management) Certificate Determination 2023* (DI2023-3)
- *Unit Titles (Management) (Fees) Determination 2023* (DI2023-179).

5 New Magistrates Court (Fair Trading Australian Consumer Law Infringement Notices) Regulation—sch 2

- (1) The provisions set out in schedule 2 are taken to be a regulation made under the *Magistrates Court Act 1930*, section 321.
- (2) The regulation—
 - (a) is taken to be notified under the *Legislation Act* on the day this Act is notified; and
 - (b) commences on the commencement of schedule 2; and
 - (c) is not required to be presented to the Legislative Assembly under the *Legislation Act*, section 64 (1); and
 - (d) may be amended or repealed as if it had been made under the *Magistrates Court Act 1930*, section 321.
- (3) This Act is taken to be an amending law for the *Legislation Act*, section 89 (Automatic repeal of certain laws and provisions) despite this section not being a provision mentioned in section 89 (12), definition of *amending law*.

1 **Part 2** **Agents Act 2003**

2 **6** **Carrying on business as employment agent**
3 **Section 12**

4 *omit*

5 **7** **Employees not taken to carry on business as agents**
6 **Section 13 (d)**

7 *omit*

8 **8** **Employment agents must be licensed**
9 **Section 22**

10 *omit*

11 **9** **Employment agents—further provisions**
12 **Division 5.8**

13 *omit*

14 **10** **New part 5A**

15 *insert*

16 **Part 5A** **Employment agents**

17 **98A** **Meaning of *carries on business as an employment***
18 ***agent*—pt 5A**

19 (1) For this part, a person *carries on business as an employment agent*
20 if the person provides, or offers to provide, any of the following
21 services for a principal for reward:

22 (a) finding, or helping to find, a person to carry out work for the
23 principal;

- 1 (b) any other service prescribed by regulation.
- 2 (2) For subsection (1), it does not matter whether the work is to be carried
3 out—
- 4 (a) under a contract of employment or otherwise; or
- 5 (b) in or outside the ACT.

6 **98B Employment agents must only take fee from employer**

- 7 (1) A person commits an offence if—
- 8 (a) the person carries on business as an employment agent; and
- 9 (b) the person asks for, or accepts, a benefit from another person for
10 a service provided as part of carrying on the business; and
- 11 (c) the other person is not—
- 12 (i) seeking to have work carried out; or
- 13 (ii) a model or performer.

14 Maximum penalty: 50 penalty units.

- 15 (2) An offence against this section is a strict liability offence.
- 16 (3) In this section:
- 17 *model* includes a person employed—
- 18 (a) to pose for a photographer, painter, sculptor or other artist; or
- 19 (b) to wear and display clothes or other articles to potential
20 customers or the public.

21 *performer* means an actor, singer, dancer, musician, acrobat, disc
22 jockey, compere or any other kind of performer.

- 1 **11 Receipts**
2 **Section 130 (1)**
- 3 *omit*
4 (or, for an employment agent, any money)
- 5 **12 Dictionary, definition of *agent*, paragraph (a) (iii)**
- 6 *omit*
- 7 **13 Dictionary, definition of *agents licence*, paragraph (c)**
- 8 *omit*
- 9 **14 Dictionary, definition of *carries on business as*,**
10 **paragraph (b)**
- 11 *substitute*
12 (b) *an employment agent*, for part 5A (Employment agents)—see
13 section 98A; or
- 14 **15 Dictionary, definitions of *employment agent service* and**
15 ***licensed employment agent***
- 16 *omit*

Part 3 Charitable Collections Act 2003

16 New section 12A

insert

12A Meaning of *licence*

(1) For this Act, *licence*—

(a) means a licence authorising an entity to conduct a collection or collections for the purpose or purposes stated in the licence; and

(b) includes a deemed licence.

(2) Subsection (1) (b) does not apply in relation to—

(a) part 4 (other than sections 34 to 38); and

(b) part 5.

Note Pt 4 (other than ss 34 to 38) and pt 5 do not apply in relation to a deemed licence held by an ACNC registered entity (see s 42B).

17 Section 13

substitute

13 Meaning of *licensee*

For this Act, a *licensee* is—

(a) for a licence (other than a deemed licence) held by an unincorporated body—

(i) the nominated person for the body; or

(ii) if there is not a nominated person for the body—
any executive officer of the body; and

(b) for a deemed licence held by an unincorporated body—
any nominated person for the unincorporated body; and

Section 18

1 (c) in any other case—the holder of a licence.

2 *Note 1* Div 4.2 provides for the licensee for a licence (other than a deemed
3 licence) issued to an unincorporated body.

4 *Note 2* Section 42D provides for a licensee for a deemed licence held by an
5 unincorporated body.

6 **18 Unlawfully conducting collections**
7 **Section 14 (2)**

8 *substitute*

9 (2) This section does not apply if the person is authorised to conduct the
10 collection by the licensee for the licence authorising the conduct of
11 the collection.

12 *Note* The defendant has an evidential burden in relation to the matters
13 mentioned in s (2) (see [Criminal Code](#), s 58).

14 **19 Unlawfully taking part in collections**
15 **Section 15 (1)**

16 *substitute*

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

18 (a) takes part in a collection; and

19 (b) is not authorised to take part in the collection by the relevant
20 licensee; and

21 (c) either—

22 (i) knows that they are not authorised to take part in the
23 collection; or

24 (ii) is reckless about whether they are authorised to take part
25 in the collection.

26 Maximum penalty: 200 penalty units, imprisonment for 2 years or
27 both.

1 **20 Sections 16 to 20**

2 *omit*

3 **21 Decision on application for licence**
4 **Section 23 (4) (b) (iii)**

5 *omit*

6 the nominated person

7 *substitute*

8 a nominated person

9 **22 Section 24**

10 *substitute*

11 **24 Conditions of licence**

12 A licence is subject to—

13 (a) the condition that the licensee must comply with the fundraising
14 principles; and

15 (b) any other condition stated in the licence or another document
16 that forms part of the licence.

1 **23** **Amendment, suspension or cancellation of licence—**
2 **other grounds**
3 **Section 35 (1), except examples and notes**

4 *substitute*

- 5 (1) The director-general may amend, suspend or cancel a licence if
6 satisfied on reasonable grounds that—
- 7 (a) a circumstance mentioned in section 23 (2), (3) or (4) (Decision
8 on application for licence) that would allow the director-general
9 to refuse to issue a licence applies in relation to the licence; or
- 10 (b) the licensee has contravened a condition of the licence.

11 **24** **Section 35 (1), notes 1 and 2**

12 *substitute*

13 *Note 1* **Licence** includes a deemed licence (see s 12A).

14 *Note 2* For the power to require information or documents, see s 53.

15 **25** **New part 4A**

16 *insert*

17 **Part 4A** **ACNC registered entities**

18 **42A** **ACNC registered entities authorised by deemed licence**

- 19 (1) An ACNC registered entity is taken to be authorised by a licence
20 (a *deemed licence*) to conduct collections generally.
- 21 (2) A deemed licence remains in force until the day—
- 22 (a) the entity stops being an ACNC registered entity; or
- 23 (b) a suspension or cancellation of the licence takes effect under
24 section 36.

- 1 (3) Subsection (1) does not apply to an ACNC registered entity whose
2 deemed licence ends because of subsection (2) (b).
- 3 (4) A regulation may prescribe an ACNC registered entity or a class of
4 ACNC registered entities to whom subsection (3) does not apply.
- 5 **42B ACNC registered entities—certain provisions not to apply**
6 **to deemed licence**
- 7 The following provisions do not apply in relation to a deemed licence:
8 (a) part 4 (other than sections 34 to 38);
9 (b) part 5.
- 10 **42C ACNC registered entities—conditions of deemed licence**
- 11 A deemed licence is subject to—
12 (a) the condition that the licensee must comply with the fundraising
13 principles; and
14 (b) any other condition imposed on the licence under section 35.
- 15 **42D ACNC registered entities—nominated person for**
16 **unincorporated body**
- 17 (1) This section applies in relation to an unincorporated body that—
18 (a) is an ACNC registered entity; and
19 (b) holds a deemed licence.
- 20 (2) For this Act, a *nominated person* for the unincorporated body, in
21 relation to the deemed licence, is each person who is a responsible
22 entity of the ACNC registered entity.
- 23 (3) A nominated person for the unincorporated body is taken to be a
24 licensee for the deemed licence.

1 (4) If this Act authorises or requires the licensee of a deemed licence to
2 do or not do something, all nominated people for the unincorporated
3 body are jointly and severally authorised or required to do or not do
4 the thing.

5 (5) In this section:

6 *responsible entity*, of an ACNC registered entity—see the *Australian*
7 *Charities and Not-for-profits Commission Act 2012* (Cwlth),
8 section 205-30.

9 **26 New section 62A**

10 *insert*

11 **62A Minister may determine fundraising principles**

12 (1) The Minister may determine principles in relation to conducting, or
13 taking part in, a collection (the *fundraising principles*).

14 (2) A determination is a disallowable instrument.

15 **27 Dictionary, new definitions**

16 *insert*

17 *deemed licence*, in relation to an ACNC registered entity—see
18 section 42A (1).

19 *fundraising principles*—see section 62A (1).

- 1 **28 Dictionary, definitions of *licence* and *nominated person***
- 2 *substitute*
- 3 *licence*—see section 12A.
- 4 *nominated person*, for an unincorporated body—
- 5 (a) in relation to a licence other than a deemed licence—see
- 6 section 30; and
- 7 (b) in relation to a deemed licence—see section 42D (2).

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Part 4 **Charitable Collections
Regulation 2003**

29 **Sections 7 to 9**

omit

30 **Hours of participation
Schedule 1, section 1.5**

omit

31 **Dictionary, definition of *licensee***

omit

1 **Part 5** **Fair Trading (Australian**
2 **Consumer Law) Act 1992**

3 **32 Subdivision 5.1A.1 and 5.1A.2 headings**

4 *omit*

5 **33 Section 34F**

6 *substitute*

7 **34F Attendance at conciliation**

- 8 (1) A party to a conciliation of a consumer complaint—
9 (a) must attend the conciliation; and
10 (b) if the commissioner agrees—may attend the conciliation by
11 telephone or other electronic means.
- 12 (2) A party to a conciliation must not be represented by a lawyer unless—
13 (a) another party to the conciliation is a lawyer; or
14 (b) each party to the conciliation agrees; or
15 (c) the commissioner is satisfied that the party would be unfairly
16 disadvantaged if not represented by a lawyer.
- 17 (3) However, a person other than a lawyer may attend the conciliation on
18 behalf of the consumer who made the complaint if—
19 (a) the consumer is a child or person with disability; or
20 (b) the commissioner agrees to the person attending the conciliation
21 on behalf of the consumer.
- 22 (4) Also, the consumer may be accompanied by another person at the
23 conciliation if the commissioner agrees.

34 **New section 34GA**

insert

34GA **Offence—business not attending conciliation**

- (1) A business commits an offence if the business—
- (a) receives a compulsory conciliation notice to attend a conciliation; and
 - (b) fails to attend the conciliation at the time and place stated in the notice.

Maximum penalty: 30 penalty units.

- (2) Subsection (1) does not apply if the business has a reasonable excuse for not attending the conciliation.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) An offence against this section is a strict liability offence.

35 **Civil penalties—business failing to attend conciliation**
Subdivision 5.1A.3

omit

36 New part 8*insert***Part 8 Transitional—Housing and
Consumer Affairs Legislation
Amendment Act 2024****68 Definitions—pt 8**

In this part:

civil penalty order means an order made by the Magistrates Court under the pre-amendment Act, section 34M (3).

commencement day means the day the *Housing and Consumer Affairs Legislation Amendment Act 2024*, part 5 commences.

pre-amendment Act means this Act as in force immediately before the commencement day.

**69 Alleged contravention of civil penalty provision before
commencement day**

- (1) This section applies if, before the commencement day—
- (a) a business was alleged to have contravened the civil penalty provision; and
 - (b) the commissioner had not applied for a civil penalty order in relation to the alleged contravention under the pre-amendment Act, section 34M.
- (2) The commissioner may make the application not later than 6 years after the alleged contravention.

1 (3) If the commissioner makes the application, the application is to be
2 dealt with as if the pre-amendment Act, division 5.1A applied in
3 relation to the application.

4 (4) In this section:

5 *civil penalty provision* means the pre-amendment Act,
6 section 34F (3).

7 **70 Applications for civil penalty order not determined before**
8 **commencement day**

9 (1) This section applies if, before the commencement day—

10 (a) the commissioner applied for a civil penalty order under the
11 pre-amendment Act, section 34M; and

12 (b) the Magistrates Court had not determined the application.

13 (2) The pre-amendment Act, division 5.1A continues to apply in relation
14 to the application.

15 **71 Expiry—pt 8**

16 This part expires 5 years after the commencement day.

17 *Note* A transitional provision is repealed on its expiry but continues to have
18 effect after its repeal (see [Legislation Act](#), s 88).

19 **37 Dictionary, definitions of *civil penalty order* and *civil***
20 ***penalty provision***

21 *omit*

Part 6 Land Titles Act 1925

38 Registrar-general must give information about certain transactions and instruments to revenue commissioner Section 178B (2) (k) to (n)

substitute

(k) the kind of purchaser the entity is;

Examples—entity

trust, trustee, corporation, individual, government

(l) if the purchaser is an individual (including an individual that is a trustee)—

(i) the purchaser's date of birth; and

(ii) the purchaser's citizenship; and

(iii) if the purchaser is not an Australian citizen—whether the purchaser holds a visa allowing them to reside in Australia under the *Migration Act 1958* (Cwlth); and

(iv) the prescribed details for each document used to verify the purchaser's identity in accordance with the verification of identity rules as in force at the time of verification;

(m) if the purchaser is a trustee—

(i) the name of the trust administered by the purchaser; and

(ii) if the trust has an ABN—the trust's ABN;

(n) if the purchaser is a corporation (including a corporation that is a trustee)—

(i) the place where the purchaser is incorporated; and

(ii) the place where the purchaser is registered; and

1 (iii) if the purchaser is incorporated in Australia—
2 the purchaser’s ACN and ABN; and

3 (iv) if the purchaser is a foreign company—any unique
4 identifying number given to the company for
5 identification;

6 **39 New section 178B (2) (w)**

7 *insert*

8 (w) any other information prescribed by regulation.

Part 7 Land Titles Regulation 2015

40 New section 3

insert

3 Details in relation to documents used to verify purchaser's identity—Act, s 178B (2) (l) (iv)

(1) The following details are prescribed:

- (a) the kind of document;
- (b) the entity that issued the document;
- (c) if the document has a date of issue—the date of issue;
- (d) if the document has an expiry date—the expiry date;
- (e) any unique identifying number for the document;
- (f) any individual reference number for the purchaser;
- (g) if the document is a name change certificate or marriage certificate—any former name of the purchaser.

(2) In this section:

marriage certificate means a marriage certificate issued under a territory law, or a law of a State or foreign country.

name change certificate, in relation to a purchaser, means a document, issued under a territory law, or a law of a State or foreign country, certifying that the purchaser has changed their name.

Note *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

1 **Part 8** **Residential Tenancies Act 1997**

2 **41** **When does residential tenancy agreement start?**

3 **New section 7 (2)**

4 *insert*

- 5 (2) However, a consecutive tenancy agreement starts on the day after the
6 terminated residential tenancy agreement ends.

7 **42** **Terms included in residential tenancy agreements**

8 **Section 8 (1) (g)**

9 *omit*

10 **43** **Section 8 (4)**

11 *substitute*

- 12 (4) In this section:

13 *community housing provider termination clause* means the clause in
14 schedule 2, section 2.2.

15 *posting termination clause* means the clause in schedule 2,
16 section 2.1.

17 *public housing termination clauses* means the clauses in schedule 2,
18 section 2.3.

19 *subsidised accommodation clauses* means the clauses in schedule 2,
20 section 2.5.

21 *temporary housing assistance termination clauses* means the
22 clauses in schedule 2, section 2.4.

44 Section 11A

substitute

11A Advertising—required information

- (1) A person commits an offence if—
- (a) the person publishes an advertisement for the lease of premises;
and
 - (b) the advertisement does not contain the required information.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) An offence against this section is a strict liability offence.

- (4) In this section:

adaptable housing dwelling—see the [Civil Law \(Sale of Residential Property\) Act 2003](#), dictionary.

required information means the following information:

- (a) if there is an existing energy efficiency rating of the habitable part of the premises—a statement of the energy efficiency rating;
- (b) if there is no existing energy efficiency rating of the habitable part of the premises—a statement to that effect;
- (c) if the premises are an adaptable housing dwelling—a statement that the premises are an adaptable housing dwelling;
- (d) if the premises are required to comply with the minimum housing standards—a statement about whether the premises comply;

1 (e) if the premises are exempt from complying with a minimum
2 housing standard—a statement that the premises are exempt;

3 (f) anything else prescribed by regulation.

4 **11AAB Advertising—false or misleading required information**

5 (1) A person commits an offence if—

6 (a) the person publishes an advertisement for the lease of premises;
7 and

8 (b) the advertisement includes the required information; and

9 (c) the required information is false or misleading.

10 Maximum penalty: 5 penalty units.

11 (2) Subsection (1) does not apply if the person has a reasonable excuse.

12 *Note* The defendant has an evidential burden in relation to the matters
13 mentioned in s (2) and s (3) (see [Criminal Code](#), s 58).

14 (3) Also, subsection (1) (c) does not apply if the information is not false
15 or misleading in a material particular.

16 (4) An offence against this section is a strict liability offence.

17 (5) In this section:

18 *required information*—see section 11A (4).

19 **45 Sections 11AAB and 11AA**

20 *renumber as sections 11AA and 11AB*

21 **46 Sections 11AAA and 11AB**

22 *omit*

1 **47 Lessor's obligations**
2 **New section 12 (3) (k) and (l)**

3 *insert*

- 4 (k) if the premises are a unit under the *Unit Titles Act 2001*—
- 5 (i) a unit title rental certificate given to the lessor under the
6 *Unit Titles (Management) Act 2011*, section 119; and
- 7 (ii) any changed information in relation to a unit title rental
8 certificate given to the lessor under the *Unit Titles*
9 *(Management) Act 2011*, section 119B;
- 10 (l) any other information prescribed by regulation.

11 **48 Section 12 (4), new definition of unit title rental certificate**

12 *insert*

13 *unit title rental certificate*—see the *Unit Titles (Management)*
14 *Act 2011*, section 119 (1) (c).

15 **49 Section 22**

16 *substitute*

17 **22 Consecutive tenancy agreements**

- 18 (1) This section applies if—
- 19 (a) a bond is being held in relation to a residential tenancy
20 agreement that terminates or is terminated; and
- 21 (b) 1 or more tenants under the terminated agreement continue to
22 occupy the premises under a consecutive tenancy agreement.
- 23 (2) The lessor must not require or accept a bond in relation to the
24 consecutive tenancy agreement unless a bond release application has
25 been made under division 3.4 (Release of bond money) in relation to
26 the bond for the terminated agreement.

- 1 (3) If a bond release application is not made under division 3.4 in relation
2 to the bond for the terminated agreement, the bond held in relation to
3 the agreement is taken to be a bond paid under the consecutive
4 tenancy agreement.

5 **50 Section 29**

6 *substitute*

7 **29 Condition report—start of tenancy**

- 8 (1) A lessor must, not later than the day after a tenant takes possession of
9 the premises, give the tenant 2 copies of a report about the state of
10 repair or general condition of the premises and of any goods leased
11 with the premises (a *condition report*) on the day the tenant is given
12 the report.
- 13 (2) A condition report must be signed by the lessor.
- 14 (3) The tenant must, within 2 weeks after receiving the copies of the
15 condition report, return 1 copy to the lessor, either—
- 16 (a) signed by the tenant; or
- 17 (b) endorsed with a statement, signed by the tenant, indicating
18 whether the tenant agrees or disagrees with the whole of the
19 report or with specified parts of it.
- 20 (4) If the tenant returns the copy signed but without further endorsement,
21 the tenant is taken to have agreed with the whole of the condition
22 report.
- 23 (5) However, for a consecutive tenancy agreement, the lessor and tenant
24 need not comply with this section if an original condition report or
25 subsequent condition report exists for the premises.
- 26 (6) To remove any doubt, a condition report for premises may, but need
27 not, contain a list of items at the premises, other than goods leased
28 with the premises.

1 **51 Evidence of condition of premises**
2 **Section 30 (1) and (2)**

3 *omit*

4 a report mentioned in section 29

5 *substitute*

6 a condition report

7 **52 New section 30AA**

8 *after section 30, insert*

9 **30AA Evidence of condition of premises—consecutive tenancy**
10 **agreement**

- 11 (1) This section applies if a residential tenancy agreement is a
12 consecutive tenancy agreement.
- 13 (2) A statement in an original condition report for the premises under the
14 consecutive tenancy agreement is evidence of the state of repair or
15 general condition of the premises, and of any goods leased with the
16 premises, on the day the tenant was given the report.
- 17 (3) A statement in a subsequent condition report is evidence of the state
18 of repair or general condition of the premises, and of any goods leased
19 with the premises, on the day the condition report was signed by the
20 tenant.
- 21 (4) However, if a subsequent condition report is not signed by the
22 tenant—
- 23 (a) a statement in the report cannot be relied on as evidence of the
24 state of repair or general condition of the premises, or of any
25 goods leased with the premises; and

Section 53

- 1 (b) the state of repair or general condition of the premises, and of
2 any goods leased with the premises, is taken to be as stated in—
- 3 (i) if no subsequent condition report exists for the premises—
4 the original condition report for the premises; or
- 5 (ii) if 1 subsequent condition report exists for the premises—
6 that report; or
- 7 (iii) if more than 1 subsequent condition report exists for the
8 premises—the most recent report.
- 9 (5) In this section:
- 10 *tenant*, for a consecutive tenancy agreement, includes—
- 11 (a) a tenant under the agreement; or
- 12 (b) a tenant, including a different tenant to the tenant mentioned in
13 paragraph (a), under any terminated agreement for the premises.

14 **53 Final inspection and condition report—end of tenancy**
15 **New section 30A (4)**

16 *insert*

- 17 (4) Also, the lessor and tenant need not comply with this section if at least
18 1 tenant under the residential tenancy agreement has agreed with the
19 lessor to enter into a consecutive tenancy agreement for the premises.

20 **54 Bond release application—lessor's obligations**
21 **New section 34 (4)**

22 *insert*

- 23 (4) However, the lessor need not comply with this section if 1 or more
24 tenants under the terminated agreement continue to occupy the
25 premises under a consecutive tenancy agreement.

1 **55 Bond release application—discrepancy in named tenant**
2 **New section 34F (1) (b) (iiia)**

3 *insert*

4 (iiia) section 35BA (2) (b) (Repayment of bond to former
5 co-tenant—consecutive tenancy agreement); or

6 **56 New section 34F (1) (b) (v)**

7 *insert*

8 (v) section 35FA (2) (b) (Payment of bond by new co-tenant—
9 consecutive tenancy agreement).

10 **57 Co-tenant may leave residential tenancy agreement**
11 **New section 35A (1) (c)**

12 *insert*

13 (c) in accordance with section 46D (Termination for family
14 violence).

15 **58 Repayment of bond to leaving co-tenant**
16 **New section 35B (1) (a) (iii)**

17 *insert*

18 (iii) in accordance with section 46D (Termination for family
19 violence); and

59 New section 35BA*insert***35BA Repayment of bond to former co-tenant—consecutive tenancy agreement**

- (1) This section applies if—
- (a) premises are occupied under a consecutive tenancy agreement; and
 - (b) a person (the *former co-tenant*)—
 - (i) was a party to the residential tenancy agreement that terminates or is terminated; but
 - (ii) is not a party to the consecutive tenancy agreement; and
 - (c) the former co-tenant paid some or all of the bond in relation to the terminated agreement; and
 - (d) 1 or more of the remaining co-tenants under the terminated agreement are parties to the consecutive tenancy agreement.
- (2) The remaining co-tenants must, not more than 14 days after the day the consecutive tenancy agreement starts—
- (a) pay to the former co-tenant an amount equal to the share of the bond paid by the former co-tenant under the terminated agreement; and
 - (b) notify the Territory that the former co-tenant has been paid under paragraph (a).
- (3) The remaining co-tenants may deduct from that amount—
- (a) any portion of rent unpaid by the former co-tenant; and
 - (b) other reasonable costs in relation to the premises.

- 1 (4) A former co-tenant is not entitled to payment of any other amount of
2 the bond under the terminated agreement.
- 3 (5) Subsection (2) does not apply if the amount that may be deducted
4 under subsection (3) is more than the amount of the bond paid by the
5 former co-tenant.
- 6 (6) A former co-tenant may apply to the ACAT for resolution of a dispute
7 in relation to subsection (2) or (3) as a tenancy dispute even if the
8 former co-tenant is not a party to the consecutive tenancy agreement.
- 9 *Note* The ACAT may make orders requiring the payment of an amount to a
10 person—see s 83 (1) (c).

11 **60** **Becoming a co-tenant under existing residential tenancy**
12 **agreement—generally**
13 **Section 35C (7) (b)**

14 *substitute*

- 15 (b) not later than the day after the new person becomes a co-tenant,
16 the existing tenants must give the new person a copy of—
- 17 (i) if the agreement is a consecutive tenancy agreement—the
18 original condition report and any subsequent condition
19 report for the premises; or
- 20 (ii) in any other case—the condition report for the premises.

21 **61** **New section 35EA**

22 *insert*

23 **35EA** **Becoming a co-tenant at start of consecutive tenancy**
24 **agreement**

- 25 (1) This section applies if a person becomes a co-tenant under a
26 consecutive tenancy agreement on the day the agreement starts.

27 *Note* See s 35C for becoming a co-tenant at any time after the day the
28 consecutive tenancy agreement starts.

Section 62

- 1 (2) The consecutive tenancy agreement starts with the person becoming
2 a co-tenant with the existing tenants.
- 3 (3) The existing tenants must give the other person a copy of the original
4 condition report and any subsequent condition report for the premises
5 not later than the day after the day the agreement starts.
- 6 (4) In this section:
7 *existing tenants*, in relation to a consecutive tenancy agreement,
8 means 1 or more tenants under the terminated residential tenancy
9 agreement for the premises.

62 New section 35FA

11 *insert*

35FA Payment of bond by new co-tenant—consecutive tenancy agreement

- 14 (1) This section applies if—
15 (a) a person (the *new co-tenant*) becomes a co-tenant under a
16 consecutive tenancy agreement; and
17 (b) section 22 (3) applies to the bond in relation to the consecutive
18 tenancy agreement.
- 19 (2) The new co-tenant must, not more than 14 days after the day they
20 become a co-tenant under the consecutive tenancy agreement—
21 (a) pay to the other co-tenants the new co-tenant's share of the bond
22 under the agreement; and
23 (b) notify the Territory that the new co-tenant has paid their share
24 of the bond.

1 **63 Termination**
2 **Section 36 (1) (c) and (d)**

3 *substitute*

4 (c) if a tenant terminates the agreement and vacates the premises
5 under section 46A because the tenant has accepted aged care or
6 social housing accommodation;

7 (d) if the agreement is a fixed term agreement—the tenant
8 terminates the agreement and vacates the premises under
9 section 46B because the lessor is offering the premises for sale;

10 (da) if the ACAT terminates the agreement under division 4.3,
11 division 4.4 or division 6.5A;

12 (db) if a tenant terminates the agreement in accordance with
13 division 4.3A;

14 **64 Section 36 (2)**

15 *substitute*

16 (2) In this section:

17 *posting termination clause* means the clause in schedule 2,
18 section 2.1.

19 **65 Termination of agreement for aged care or social housing**
20 **needs**
21 **Section 46A (3) and (4) and note**

22 *substitute*

23 (3) The tenant must—

24 (a) state the date the tenant intends to terminate the agreement; and

25 (b) give the lessor at least 14 days notice.

- 1 (4) If the tenant vacates the premises on or before the date stated in the
2 notice, the agreement ends on the date stated in the notice.
- 3 (4A) However, if the tenant does not vacate the premises on or before the
4 date stated in the notice—
- 5 (a) the notice is taken to be withdrawn; and
- 6 (b) the agreement continues.
- 7 (4B) The break lease fee clause does not apply if a fixed term agreement is
8 terminated under this section.

9 **66 Termination of fixed term agreements if premises for sale**
10 **Section 46B (3) and (4) and note**

11 *substitute*

- 12 (3) The tenant must—
- 13 (a) state the date the tenant intends to terminate the agreement; and
- 14 (b) give the lessor at least 14 days notice.
- 15 (4) If the tenant vacates the premises on or before the date stated in the
16 notice, the agreement ends on the date stated in the notice.
- 17 (5) However, if the tenant does not vacate the premises on or before the
18 date stated in the notice—
- 19 (a) the notice is taken to be withdrawn; and
- 20 (b) the agreement continues.
- 21 (6) The break lease fee clause does not apply if a fixed term agreement is
22 terminated under this section.

67 New division 4.3A*insert***Division 4.3A Termination initiated by tenant—
termination for family violence****46C Definitions—div 4.3A**

In this division:

competent person—see section 46I (1).*competent person declaration*—see section 46I (1).*family violence*—see the *Family Violence Act 2016*, section 8.*family violence order*—see the *Family Violence Act 2016*, section 115.*family violence termination notice*—see section 46D (2) (a).*notice of continuing tenancy*—see section 46F (2).*supporting document*, for a family violence termination notice—see section 46D (3) (b).*vacating day*, stated in a family violence termination notice—see section 46D (3) (a).**46D Termination for family violence**

- (1) This section applies to a tenant under a residential tenancy agreement if—
- (a) the tenant, or a dependent child of the tenant, has experienced family violence; and
 - (b) the tenant has not sublet the premises.

Section 67

- 1 (2) Despite any other territory law, the tenant may terminate the
2 agreement or, if the tenant is a co-tenant, stop being a party to the
3 agreement, by—
- 4 (a) giving the lessor written notice that the tenant is vacating the
5 premises because of family violence (a *family violence*
6 *termination notice*); and
- 7 (b) vacating the premises in accordance with the notice.
- 8 (3) A family violence termination notice must—
- 9 (a) state the day the tenant intends to vacate the premises
10 (the *vacating day*); and
- 11 (b) be accompanied by at least 1 of the following documents
12 (a *supporting document*):
- 13 (i) a family violence order protecting the tenant or child;
- 14 (ii) an injunction made under the *Family Law Act 1975*
15 (Cwlth), section 68B or section 114 in relation to the tenant
16 or child;
- 17 (iii) a competent person declaration relating to the tenant or
18 child;
- 19 (iv) any other document prescribed by regulation.
- 20 (4) For subsection (3) (a), the vacating day must be on or after the day
21 the tenant gives the notice to the lessor.
- 22 (5) The break lease fee clause does not apply if a fixed term agreement is
23 terminated under this section.

1 **46E Sole tenancies—effect of serving family violence**
2 **termination notice**

3 If a sole tenant terminates a residential tenancy agreement in
4 accordance with section 46D, the agreement is terminated on the
5 vacating day stated in the family violence termination notice.

6 **46F Co-tenancies—lessor to give notice to Territory and other**
7 **co-tenants**

8 (1) This section applies if a co-tenant gives a family violence termination
9 notice to the lessor for a residential tenancy agreement.

10 (2) The lessor must, within 7 days after the vacating day stated in the
11 family violence termination notice—

12 (a) tell the Territory—

13 (i) the name of the co-tenant; and

14 (ii) that the lessor has received a family violence termination
15 notice from the co-tenant; and

16 (b) give each of the remaining co-tenants a notice (a *notice of*
17 *continuing tenancy*) about the matters mentioned in
18 section 46G (2) to (5).

19 (3) However, the lessor must not give any of the remaining co-tenants the
20 notice of continuing tenancy until after—

21 (a) the vacating day; and

22 (b) telling the Territory about the matters mentioned in
23 subsection (2) (a).

24 (4) The lessor must not give any of the remaining co-tenants a supporting
25 document for the family violence termination notice.

- 1 **46G Co-tenancies—effect of serving family violence**
2 **termination notice**
- 3 (1) This section applies if a co-tenant stops being a party to a residential
4 tenancy agreement in accordance with section 46D.
- 5 (2) On the vacating day stated in the family violence termination
6 notice—
- 7 (a) the co-tenant stops being a party to the agreement; and
8 (b) the co-tenant’s rights and obligations under the agreement end.
- 9 (3) The residential tenancy agreement continues in force between the
10 lessor and the remaining co-tenants on the same terms that existed on
11 the vacating day (the *continuing agreement*).
- 12 (4) Any of the remaining co-tenants may terminate the continuing
13 agreement for all remaining co-tenants by giving the lessor a notice
14 to vacate—
- 15 (a) at least 3 weeks before the day they intend to vacate the
16 premises; and
17 (b) if the agreement is a fixed term agreement—not later than
18 4 weeks after the day the notice of continuing tenancy is given
19 to the co-tenants.
- 20 (5) The break lease fee clause does not apply if a fixed term agreement is
21 terminated under this section.
- 22 **46H Lessor not to require other information**
- 23 If a lessor receives a family violence termination notice from a tenant,
24 the lessor must not ask the tenant to give the lessor, or any other
25 person acting for the lessor, any other information not already given
26 as part of the notice.

- 1 **46I Competent person declaration**
- 2 (1) A person (a *competent person*) may make a declaration stating that a
- 3 tenant, or a dependent child of the tenant, has experienced family
- 4 violence (a *competent person declaration*).
- 5 (2) However, the competent person must not make a competent person
- 6 declaration in relation to the tenant or child unless the tenant or child
- 7 has previously consulted the competent person as part of the
- 8 competent person’s professional practice.
- 9 (3) The declaration must include any information prescribed by
- 10 regulation.
- 11 (4) A regulation may prescribe a person, or a class of people, to be a
- 12 competent person.
- 13 (5) For subsection (1), a competent person may collect, hold, use or
- 14 disclose personal information about a person who is or was—
- 15 (a) a co-tenant of the tenant; or
- 16 (b) a family member of the tenant or child.
- 17 (6) In this section:
- 18 *family member*—see the *Family Violence Act 2016*, section 9.
- 19 **46J Offence—using or disclosing information in supporting**
- 20 **documents without authorisation**
- 21 (1) A person commits an offence if—
- 22 (a) the person uses, or discloses to someone else, any information
- 23 contained in a supporting document for a family violence
- 24 termination notice; and
- 25 (b) the use or disclosure is not authorised or required under a law
- 26 applying in Australia.
- 27 Maximum penalty: 20 penalty units.

- 1 (2) Subsection (1) does not apply if the use or disclosure—
2 (a) is between 2 or more of the following:
3 (i) the lessor;
4 (ii) the lessor’s agent;
5 (iii) an employee of the lessor’s agent;
6 (iv) the Territory; or
7 (b) is reasonably necessary to obtain legal advice from a lawyer.
8 *Note* The defendant has an evidential burden in relation to the matters
9 mentioned in s (2) (see [Criminal Code](#), s 58).

- 10 (3) In this section:
11 *agent*, of a lessor—see section 87.

12 **46K Supporting documents to be securely stored or**
13 **destroyed**

- 14 (1) A person who has possession or control of a supporting document for
15 a family violence termination notice must take all reasonable steps to
16 ensure that the document—
17 (a) if the document is to be used under a law applying in Australia—
18 is securely stored; and
19 (b) in any other case—is destroyed.
20 (2) In this section:
21 *supporting document*, for a family violence termination notice,
22 includes a copy of the document or part of the document.

- 1 **46L ACAT not to decide if family violence happens**
- 2 (1) This section applies if, in a proceeding before the ACAT, a question
- 3 arises as to whether a notice given by a tenant is a family violence
- 4 termination notice.
- 5 (2) The ACAT—
- 6 (a) may consider whether—
- 7 (i) the notice contains the information required under
- 8 section 46D; or
- 9 (ii) a document accompanying the notice is a supporting
- 10 document; but
- 11 (b) must not consider—
- 12 (i) whether the tenant, or a dependent child of the tenant,
- 13 experienced family violence; or
- 14 (ii) the tenant’s belief as to whether they or their dependent
- 15 child could safely continue to occupy the premises.
- 16 **46M Offences—giving false or misleading information**
- 17 (1) A person commits an offence if—
- 18 (a) the person gives information to a competent person; and
- 19 (b) the information is given to obtain a competent person
- 20 declaration; and
- 21 (c) the information is false or misleading in a material particular.
- 22 Maximum penalty: 50 penalty units.

- 1 (2) A person commits an offence if—
- 2 (a) the person represents to another person that a document is a
- 3 competent person declaration; and
- 4 (b) the document is not a competent person declaration.
- 5 Maximum penalty: 50 penalty units.

6 **68 No breach of standard residential tenancy terms**

7 **Section 47 (6)**

- 8 *substitute*
- 9 (6) In this section:
- 10 *community housing provider termination clause* means the clause in
- 11 schedule 2, section 2.2.
- 12 *public housing termination clause* means a clause in schedule 2,
- 13 section 2.3.
- 14 *subsidised accommodation clause* means a clause in schedule 2,
- 15 section 2.5.
- 16 *temporary housing assistance termination clause* means a clause in
- 17 schedule 2, section 2.4.

18 **69 Tenant's defective termination notice**

19 **Section 60 (4)**

- 20 *omit*
- 21 former lessor is not in
- 22 *substitute*
- 23 former lessor is in

70 Termination—affected residential premises
Section 64AA (3) to (5)

substitute

- (3) If the tenant terminates the agreement, the tenant must—
- (a) state the date the tenant intends to terminate the agreement; and
 - (b) give the lessor at least 2 days notice.
- (4) If the lessor terminates the agreement, the lessor must—
- (a) state the date the lessor intends to terminate the agreement; and
 - (b) give the tenant at least 1 week’s notice.
- (5) If the tenant vacates the premises on or before the date stated in the notice, the agreement ends on the date stated in the notice.
- (6) However—
- (a) if the tenant gives notice and does not vacate the premises on or before the date stated in the notice—
 - (i) the notice is taken to be withdrawn; and
 - (ii) the agreement continues; or
 - (b) if the lessor gives notice and the tenant does not vacate the premises on or before the date stated in the notice—
 - (i) the notice remains in force; and
 - (ii) the lessor may apply to the ACAT under section 55A for a termination and possession order in relation to the premises.
- (7) The break lease fee clause does not apply if a fixed term agreement is terminated under this section.

1 **71 Termination—eligible impacted property**
2 **Section 64AB (3) and (4)**

3 *substitute*

- 4 (3) The party terminating the agreement must—
- 5 (a) state the date the party intends to terminate the agreement; and
- 6 (b) give the other party at least 28 working days notice.
- 7 (4) If the tenant vacates the premises on or before the date stated in the
- 8 notice, the agreement ends on the date stated in the notice.
- 9 (5) However—
- 10 (a) if the tenant gives notice and does not vacate the premises on or
- 11 before the date stated in the notice—
- 12 (i) the notice is taken to be withdrawn; and
- 13 (ii) the agreement continues; or
- 14 (b) if the lessor gives notice and the tenant does not vacate the
- 15 premises on or before the date stated in the notice—
- 16 (i) the notice remains in force; and
- 17 (ii) the lessor may apply to the ACAT under section 55B for a
- 18 termination and possession order in relation to the
- 19 premises.
- 20 (6) The break lease fee clause does not apply if a fixed term agreement is
- 21 terminated under this section.

22 **72 Section 64A heading**

23 *substitute*

24 **64A Fixed term agreements—increase in rent**

73 New sections 64AAA and 64AAB

after section 64A, insert

64AAA Limitation on rent increases—frequency

- (1) A lessor may increase the rental rate under a residential tenancy agreement only if the increase takes effect at least 12 months after—
- (a) for the first increase under the agreement—the day the residential tenancy agreement started; or
 - (b) for a later increase under the agreement—the day the last increase in rental rate took effect.
- (2) However, for a consecutive tenancy agreement, the lessor may increase the rental rate only if the increase takes effect at least 12 months after the day the last increase in rental rate took effect, whether under the consecutive tenancy agreement or a terminated residential tenancy agreement.

64AAB Rent increases—housing commissioner

- (1) This section applies if the housing commissioner—
- (a) is the lessor under a residential tenancy agreement (including a consecutive tenancy agreement); and
 - (b) has decided to increase the rental rate after a review under the [Housing Assistance Act 2007](#), section 23.
- (2) Despite section 64AAA, the housing commissioner may increase the rental rate under the residential tenancy agreement.
- (3) However, if a previous review of the rental rate has been undertaken, the increase under subsection (2) must not take effect earlier than 12 months after the day the last increase in rental rate took effect.

- 1 **74 Section 64B heading**
- 2 *substitute*
- 3 **64B Limitation on rent increases—amount**
- 4 **75 Section 64B (1) (a)**
- 5 *substitute*
- 6 (a) for a fixed term agreement—the agreement allows the lessor to
- 7 increase the rental rate by the higher amount; or
- 8 **76 Orders by ACAT**
- 9 **Section 83 (1) (l)**
- 10 *substitute*
- 11 (l) an order correcting—
- 12 (i) a defective termination notice; or
- 13 (ii) a defect in—
- 14 (A) any other notice given under this Act; or
- 15 (B) the service of any other notice under this Act;
- 16 **Example—other notice**
- 17 notice to remedy
- 18 **77 Section 83 (2), except notes**
- 19 *substitute*
- 20 (2) The ACAT may make an order under subsection (1) (l) only if
- 21 satisfied that the defective termination notice or other defect did not,
- 22 and is not likely to, place the person receiving the notice in a
- 23 significantly worse position than the person would have been in had
- 24 the notice, or the service of the notice, not been defective.

1 **78 Notice of intention to vacate—award of compensation**
2 **New section 84 (1A)**

3 *before section 84 (1), insert*

4 (1A) This section applies only in relation to a fixed term agreement entered
5 into before the commencement of the *Housing and Consumer Affairs*
6 *Legislation Amendment Act 2024*, section 90.

7 **79 Section 84 (1)**

8 *omit*

9 If a lessor received a notice of intention to vacate before the end of a
10 fixed term agreement

11 *substitute*

12 If the lessor received a notice of intention to vacate before the end of
13 the fixed term agreement

14 **80 New section 84 (5) (e) and (f)**

15 *insert*

16 (e) section 46D (Termination for family violence);

17 (f) section 46G (Co-tenancies—effect of serving family violence
18 termination notice).

19 **81 Section 84 (6)**

20 *substitute*

21 (6) In this section:

22 *break lease fee clause* means the clause in schedule 2, section 2.1 as
23 in force immediately before the commencement of the *Housing and*
24 *Consumer Affairs Legislation Amendment Act 2024*, section 91.

- 1 **82 Standard residential tenancy terms**
2 **Schedule 1, clause 23**
- 3 *substitute*
- 4 22A However, for a consecutive tenancy agreement, the lessor and tenant
5 need not comply with clause 21 and clause 22 if an original condition
6 report or subsequent condition report exists for the premises (the
7 meanings of consecutive tenancy agreement, original condition
8 report and subsequent condition report are set out in the Residential
9 Tenancies Act).
- 10 23 (1) The lessor must keep the condition report for a period of not less than
11 12 months after the end of the tenancy.
- 12 (2) However, if a condition report is not completed because of
13 clause 22A, the lessor must keep the original condition report, and
14 any subsequent condition report, for a period of not less than
15 12 months after the end of the consecutive tenancy agreement.
- 16 **83 Schedule 1, new clause 23A (4)**
- 17 *insert*
- 18 (4) However, for a consecutive tenancy agreement, the lessor and tenant
19 need not comply with subclauses (1) to (3) if an original condition
20 report or subsequent condition report exists for the premises (the
21 meanings of consecutive tenancy agreement, original condition report
22 and subsequent condition report are set out in the Residential
23 Tenancies Act).
- 24 **84 Schedule 1, clause 35**
- 25 *substitute*
- 26 35 (1) The rent may not be increased at intervals of less than 12 months from
27 either the beginning of the tenancy agreement for the first increase,
28 or after that, from the date the last increase took effect.

- 1 (2) However, for a consecutive tenancy agreement, the rent may not be
2 increased at intervals of less than 12 months from the date the last
3 increase took effect, whether under the consecutive tenancy
4 agreement or a terminated residential tenancy agreement (the
5 meaning of consecutive tenancy agreement is set out in the
6 Residential Tenancies Act).

7 **85 Schedule 1, clause 36 (1)**

8 *substitute*

- 9 36 (1) This clause applies if the housing commissioner—
10 (a) is the lessor under this tenancy agreement; and
11 (b) has decided to increase the rent after a review of rent under the
12 [Housing Assistance Act 2007](#), section 23.

13 **86 Schedule 1, clause 36 (3)**

14 *omit*

15 1 year

16 *substitute*

17 12 months

18 **87 Schedule 1, clause 84 (1)**

19 *substitute*

- 20 84 (1) If the tenant serves a notice of intention to vacate and vacates the
21 premises on or before the date stated in the notice, the tenancy
22 terminates on the date stated in the notice.

88 **Schedule 1, clause 84 (2) (a)**

1
2 *omit*
3 nominated
4 *substitute*
5 stated

89 **Schedule 1, clause 85**

6
7 *substitute*

- 8 85 (1) The notice of intention to vacate must be in writing, in the form
9 required by the Residential Tenancies Act, and must include the
10 following information:
- 11 (a) the address of the premises;
 - 12 (b) the ground(s) on which the notice is issued, together with
13 sufficient particulars to identify the circumstances giving rise to
14 the ground(s);
 - 15 (c) the date the tenant intends to terminate the tenancy.
- 16 (2) If the tenant vacates the premises on or before the date stated in the
17 notice, the tenancy terminates on the date stated in the notice.
- 18 (3) However, if the tenant does not vacate the premises on or before the
19 date stated in the notice, the notice is taken to be withdrawn and the
20 tenancy continues.

90 Schedule 1, new clause 89A*insert***Termination before end of fixed term—fee for breaking lease**

89A (1) If a tenant ends a fixed term agreement before the end of the fixed term (other than for a reason provided for by the Residential Tenancies Act or the agreement), the lessor may require the tenant to pay a fee (a *break fee*) of the following amount:

(a) if the fixed term is 3 years or less—

(i) if less than half of the fixed term has expired—6 weeks rent; or

(ii) in any other case—4 weeks rent;

(b) if the fixed term is more than 3 years—the amount agreed between the lessor and tenant.

(2) If the lessor requires the tenant to pay the break fee, the lessor agrees to take reasonable steps to find a new tenant for the premises.

(3) The lessor agrees that the compensation payable by the tenant for ending a fixed term agreement before the end of the fixed term—

(a) is limited to the amount of the break fee specified in subclause (1); and

(b) is not payable until the defined period after the tenant vacates the premises has ended.

(4) However, the lessor and tenant agree that if, within the defined period after the tenant vacates the premises, the lessor enters into a residential tenancy agreement with a new tenant, the amount payable by the tenant is limited to—

(a) the amount of the break fee under subclause (1) less the amount of rent payable by the new tenant for the defined period; and

- 1 (b) if the tenant vacates the premises more than 4 weeks before the
2 end of the fixed term—the lessor’s reasonable costs (not
3 exceeding the defined cost limit) of advertising the premises for
4 lease and of giving a right to occupy the premises to another
5 person.
- 6 (5) This clause does not apply to a residential tenancy agreement ended
7 by the tenant under any of the following provisions of the Residential
8 Tenancies Act:
- 9 (a) section 46A (Termination of agreement for aged care or social
10 housing needs);
- 11 (b) section 46B (Termination of fixed term agreement if premises
12 for sale);
- 13 (c) section 46D (Termination for family violence);
- 14 (d) section 46G (Co-tenancies—effect of serving family violence
15 termination notice);
- 16 (e) section 64AA (Termination—affected residential premises);
- 17 (f) section 64AB (Termination—eligible impacted property).
- 18 (6) In this clause:
- 19 ***defined cost limit*** means—
- 20 (a) if at least half of the fixed term has expired—an amount equal
21 to $\frac{2}{3}$ of 1 week’s rent; or
- 22 (b) if less than half of the fixed term has expired—an amount equal
23 to 1 week’s rent.
- 24 ***defined period*** means—
- 25 (a) if subclause (1) (a) (i) applies—6 weeks; or
- 26 (b) if subclause (1) (a) (ii) applies—4 weeks; or
- 27 (c) if subclause (1) (b) applies—N weeks.

1 *N* is the number worked out as follows:

2
$$\frac{\text{break fee}}{\text{weekly rent payable at the time the tenant ends the agreement}}$$

3 **91 Additional terms for certain residential tenancy**
 4 **agreements**
 5 **Schedule 2, section 2.1**

6 *omit*

7 **92 Schedule 2, sections 2.2 to 2.6**

8 *renumber as sections 2.1 to 2.5*

9 **93 Dictionary, new definitions**

10 *insert*

11 ***break lease fee clause*** means clause 89A of the standard residential
 12 tenancy terms.

13 ***competent person***, for division 4.3A (Termination initiated by
 14 tenant—termination for family violence)—see section 46I (1).

15 ***competent person declaration***, for division 4.3A (Termination
 16 initiated by tenant—termination for family violence)—see
 17 section 46I (1).

18 ***condition report***, for premises under a residential tenancy
 19 agreement—see section 29 (1).

20 ***consecutive tenancy agreement***, for premises—a residential tenancy
 21 agreement is a ***consecutive tenancy agreement*** if—

22 (a) a residential tenancy agreement for the premises terminates or is
 23 terminated; and

24 (b) 1 or more tenants under the terminated agreement continue to
 25 occupy the premises under a new residential tenancy agreement.

1 **94 Dictionary, definition of *defective termination notice*, new**
2 **paragraph (ba)**

3 *insert*

4 (ba) for a notice that purports to be a family violence termination
5 notice—

6 (i) does not contain the information required under
7 section 46D; or

8 (ii) is not accompanied by a supporting document mentioned
9 in section 46D (3) (b); or

10 **95 Dictionary, new definition of *family violence***

11 *insert*

12 *family violence*, for division 4.3A (Termination initiated by tenant—
13 termination for family violence)—see the *Family Violence Act 2016*,
14 section 8.

15 **96 Dictionary, definition of *family violence order***

16 *substitute*

17 *family violence order*—

18 (a) for this Act generally—see the *Family Violence Act 2016*,
19 dictionary; and

20 (b) for division 4.3A (Termination initiated by tenant—termination
21 for family violence)—see the *Family Violence Act 2016*,
22 section 115.

97 Dictionary, new definitions

insert

family violence termination notice, for division 4.3A (Termination initiated by tenant—termination for family violence)—see section 46D (2) (a).

notice of continuing tenancy, for division 4.3A (Termination initiated by tenant—termination for family violence)—see section 46F (2).

original condition report, for premises under a consecutive tenancy agreement, means a condition report given to a tenant under section 29 not later than 2 days after the lessor last had possession of the premises.

98 Dictionary, definition of *standard residential tenancy terms*, paragraph (a) (ii)

omit

section 8 (1) (b) to (g)

substitute

section 8 (1) (b) to (f)

99 Dictionary, new definitions

insert

subsequent condition report, for premises under a consecutive tenancy agreement, means a condition report made under section 29 or section 30A at any time after an original condition report was made under section 29.

supporting document, for a family violence termination notice, for division 4.3A (Termination initiated by tenant—termination for family violence)—see section 46D (3) (b).

100 Dictionary, definition of *termination notice*

substitute

termination notice—

(a) means a written notice that—

(i) if there is a form approved under section 133 (Approved forms—Minister) for a termination notice—is in the approved form; and

(ii) if there is no form approved under section 133—contains the information required by the standard residential tenancy terms; and

(iii) is served in accordance with this Act; and

(b) includes a family violence termination notice served in accordance with this Act.

101 Dictionary, new definition of *vacating day*

insert

vacating day, stated in a family violence termination notice, for division 4.3A (Termination initiated by tenant—termination for family violence)—see section 46D (3) (a).

1 **Part 9** **Unit Titles (Management)**
2 **Act 2011**

3 **102 Dealings with common property**
4 **New section 20 (5)**

5 *insert*

- 6 (5) For section 71, an owners corporation is not carrying on business if
7 the corporation receives income from subletting any part of the
8 common property under subsection (3).

9 **103 Installation of sustainability and utility infrastructure on**
10 **common property**
11 **Section 23 (3)**

12 *omit*

13 earned

14 *substitute*

15 received

16 **104 Section 23 (4)**

17 *omit*

18 carrying on a business

19 *substitute*

20 carrying on business

1 **105 Executive committee—at and from the first annual**
2 **general meeting**
3 **Section 39 (4) (c) (ii)**

4 *omit*
5 an eligible person
6 *substitute*
7 a qualified person

8 **106 Owners corporation must not carry on business**
9 **Section 71 (1), note**

10 *substitute*
11 *Note* An owners corporation that receives income from subletting the common
12 property or operating sustainability infrastructure is not carrying on
13 business (see s 20 (5) and s 23 (4)).

14 **107 General fund—budget**
15 **New section 75 (2) (c) (iia)**

16 *insert*
17 (iia) to pay for any costs incurred in getting information for a
18 unit title rental certificate; and

19 **108 General fund—what must be paid into the fund?**
20 **New section 76 (aa)**

21 *insert*
22 (aa) any income received from subletting any part of the common
23 property under section 20 (3);

1 **109 Corporate register—information to be included**
2 **Section 114 (2) (d)**

3 *omit*

4 subleases

5 *substitute*

6 sublets

7 **110 Section 119**

8 *substitute*

9 **119 Unit title certificates**

- 10 (1) An eligible person for a unit or the common property in a units plan
11 may request the owners corporation give the person—
- 12 (a) a certificate stating information about the unit or the common
13 property suitable for disclosure to a potential buyer (a *unit title*
14 *sale certificate*); or
- 15 (b) a certificate updating information in the unit title sale certificate
16 (a *unit title sale update certificate*); or
- 17 (c) a certificate stating information about the unit or the common
18 property suitable for disclosure to a potential tenant (a *unit title*
19 *rental certificate*).
- 20 (2) However, an eligible person may only request a unit title sale update
21 certificate within 4 months after the day a unit title sale certificate is
22 given to the person.
- 23 (3) The owners corporation must, within the required period after the day
24 the request is received, give the person the requested certificate.
- 25 (4) A unit title rental certificate expires 5 years after the day it is given to
26 the person.

- 1 (5) The Minister may determine information that must be included in any
2 of the following (the *determined information*):
- 3 (a) a unit title sale certificate;
- 4 (b) a unit title sale update certificate;
- 5 (c) a unit title rental certificate.
- 6 (6) A request under this section must be in writing and accompanied by
7 a fee fixed by the owners corporation of not more than an amount
8 determined by the Minister.
- 9 (7) A determination under subsection (5) or (6) is a disallowable
10 instrument.
- 11 (8) In this section:
- 12 *eligible person*, for a unit, includes a person who enters into a contract
13 for sale of the unit.
- 14 *Note* *Eligible person*—see the dictionary.
- 15 *required period* means—
- 16 (a) for a unit title sale certificate or unit title sale update
17 certificate—14 days; and
- 18 (b) for a unit title rental certificate—
- 19 (i) if the owners corporation has the determined
20 information—14 days; and
- 21 (ii) if the owners corporation does not have the determined
22 information—6 weeks.
- 23 *tenant*—see the *Residential Tenancies Act 1997*, section 6.

1 **119A Unit title rental certificate information**

- 2 (1) This section applies if—
- 3 (a) the Minister determines information that must be included in a
4 unit title rental certificate under section 119 (5) (c); and
- 5 (b) the owners corporation does not have the determined
6 information.
- 7 (2) The owners corporation must—
- 8 (a) take reasonable steps to get the information; and
- 9 (b) pay any costs incurred in getting the information.

10 **Example—s (2)**

11 arranging and paying the cost of an inspection and report about ceiling insulation
12 in the units plan

13 *Note* If an owners corporation fails to comply with a request for a unit title
14 rental certificate, each executive member of the corporation commits an
15 offence (see s 121).

16 **119B Updating unit title rental certificate information**

- 17 (1) This section applies if—
- 18 (a) an owners corporation gives a person a unit title rental certificate
19 under section 119 (3) in relation to a unit; and
- 20 (b) within 5 years after the day the certificate is given to the person,
21 the owners corporation becomes aware of a change in any of the
22 information in the certificate; and
- 23 (c) the name of the person to whom the certificate was given
24 continues to be recorded in the corporate register in relation to
25 the unit.
- 26 (2) The owners corporation must notify the person, in writing, of the
27 changed information.

1 **111 Acting on information in unit title certificate**
2 **New section 120 (2)**

3 *insert*

4 (2) In this section:

5 *unit title certificate* means any of the following:

- 6 (a) a unit title sale certificate;
7 (b) a unit title sale update certificate;
8 (c) a unit title rental certificate.

9 **112 New section 120A**

10 *insert*

11 **120A Access to owners corporation records**

- 12 (1) An eligible person for a unit or the common property in a units plan
13 may ask to inspect the records of an owners corporation.
- 14 (2) The owners corporation must, within 14 days after the day the request
15 is received, allow the person—
- 16 (a) to inspect—
- 17 (i) the information on the corporate register; and
18 (ii) any other records held by the corporation; and
- 19 (b) to take copies of any document inspected.
- 20 (3) If a dispute exists, the owners corporation may withhold from
21 inspection any documents subject to legal professional privilege in
22 relation to the dispute.
- 23 (4) A request under this section must be in writing and accompanied by
24 a fee fixed by the owners corporation of not more than an amount
25 determined by the Minister.

1 (5) A determination under subsection (4) is a disallowable instrument.

2 (6) In this section:

3 *eligible person*, for a unit, includes a person who enters into a contract
4 for sale of the unit.

5 *Note* *Eligible person*—see the dictionary.

6 **113 Section 121 heading**

7 *substitute*

8 **121 Offence—failure to provide information, certificate or**
9 **access to owners corporation records**

10 **114 Section 121 (1)**

11 *omit*

12 information or a unit title certificate

13 *substitute*

14 information, a unit title certificate or access to the corporation's
15 records

16 **115 Section 121 (2) (a)**

17 *omit*

18 requesting the information

19 *substitute*

20 making the request

1 **116 New section 121 (3)**

2 *insert*

3 (3) In this section:

4 *unit title certificate*—see section 120 (2).

5 **117 New part 14**

6 *insert*

7 **Part 14 Transitional—Housing and**
8 **Consumer Affairs Legislation**
9 **Amendment Act 2024**

10 **173 Meaning of *commencement day*—pt 14**

11 In this part:

12 *commencement day* means the day the *Housing and Consumer*
13 *Affairs Legislation Amendment Act 2024*, part 9 commences.

14 **174 Unit title certificates given before commencement day**

15 (1) This section applies to a unit title certificate given to an eligible
16 person under section 119 (3) as in force immediately before the
17 commencement day.

18 (2) On the commencement day, the unit title certificate is taken to be a
19 unit title sale certificate.

1 **175 Unit title update certificates given before commencement**
2 **day**

- 3 (1) This section applies to a unit title update certificate given to an
4 eligible person under section 119 (3) as in force immediately before
5 the commencement day.
- 6 (2) On the commencement day, the unit title update certificate is taken to
7 be a unit title sale update certificate.

8 **176 Expiry—pt 14**

9 This part expires 12 months after the commencement day.

10 *Note* A transitional provision is repealed on its expiry but continues to have
11 effect after its repeal (see [Legislation Act](#), s 88).

12 **118 Dictionary, definition of *eligible person***

13 *omit*

14 for a unit or common property in relation to which access to
15 information is required

16 *substitute*

17 for a unit or common property

18 **119 Dictionary, definition of *eligible person*, paragraph (d)**

19 *substitute*

20 (d) in relation to the administration of this Act—the territory
21 planning authority.

22 **120 Dictionary, definition of *unit title certificate***

23 *omit*

1 **121 Dictionary, new definitions**

2 *insert*

3 *unit title rental certificate*—see section 119 (1) (c).

4 *unit title sale certificate*—see section 119 (1) (a).

5 *unit title sale update certificate*—see section 119 (1) (b).

1 **Schedule 1** **Other amendments**

2 (see s 3)

3 **Part 1.1** **Agents Act 2003**

4 **[1.1] Section 3, note 1**

5 *omit*

6 For example, the signpost definition ‘*executive officer*—see the
7 [Corporations Act](#), section 9.’ means that the term ‘executive officer’ is
8 defined in that section and the definition applies to this Act.

9 *substitute*

10 For example, the signpost definition ‘*sexual offence*—see the [Spent](#)
11 [Convictions Act 2000](#), dictionary.’ means that the term ‘sexual offence’
12 is defined in that dictionary and the definition applies to this Act.

13 **[1.2] Dictionary, definition of *executive officer***

14 *substitute*

15 *executive officer*, of a corporation, means a person who is concerned
16 in, or takes part in, the management of the corporation, whether or
17 not the person is a director of the corporation.

18 **Part 1.2** **Charitable Collections Act 2003**

19 **[1.3] Section 15 (1) (c)**

20 *omit*

21 he or she is

22 *substitute*

23 they are

- 1 **[1.4] Section 56 (4)**
2 *omit*
3 his or her
4 *substitute*
5 the authorised person's

6 **Part 1.3 Civil Law (Sale of Residential**
7 **Property) Act 2003**

- 8 **[1.5] Section 9 (1) (g) (i) (B)**
9 *omit*
10 unit title certificate
11 *substitute*
12 unit title sale certificate

- 13 **[1.6] Section 9 (1) (g) (i) (B), note**
14 *omit*
15 unit title update certificate
16 *substitute*
17 unit title sale update certificate

1 **[1.7] Section 10A (7), definition of *later required documents*,**
2 **paragraph (b)**

3 *omit*

4 unit title certificate

5 *substitute*

6 unit title sale certificate

7 **[1.8] Dictionary, definition of *unit title certificate***

8 *omit*

9 **[1.9] Dictionary, new definition of *unit title sale certificate***

10 *insert*

11 *unit title sale certificate*, for a unit—see the [Unit Titles](#)
12 [\(Management\) Act 2011](#), section 119 (1) (a).

13 **Part 1.4 Fair Trading (Australian**
14 **Consumer Law) Act 1992**

15 **[1.10] Section 8 (4)**

16 *omit*

17 *Legislative Instruments Act 2003* (Cwlth)

18 *substitute*

19 [Legislation Act 2003](#) (Cwlth)

1 **Part 1.5 Housing Assistance Act 2007**

2 **[1.11] Section 22 (3) (b)**

3 *omit*

4 section 64B (Limitation on rent increases)

5 *substitute*

6 section 64B (Limitation on rent increases—amount)

7 **Part 1.6 Magistrates Court (Agents**
8 **Infringement Notices)**
9 **Regulation 2003**

10 **[1.12] Schedule 1, item 5**

11 *omit*

12 **Part 1.7 Magistrates Court (Charitable**
13 **Collections Infringement Notices)**
14 **Regulation 2003**

15 **[1.13] Section 6**

16 *substitute*

17 **6 Administering authority**

18 (1) The administering authority for an infringement notice offence
19 against the Charitable Collections Act is the head of Access Canberra.

1 (2) In this section:

2 *Access Canberra* means the business unit known as Access Canberra.

3 *head*, of Access Canberra, means the person occupying the position
4 (however described) of head of Access Canberra.

5 **[1.14] Schedule 1, item 1**

6 *omit*

1 **Schedule 2** **New Magistrates Court (Fair**
2 **Trading Australian Consumer**
3 **Law Infringement Notices)**
4 **Regulation**

5 (see s 5)



Australian Capital Territory

6 **Magistrates Court (Fair Trading**
7 **Australian Consumer Law Infringement**
8 **Notices) Regulation 2024**

9 Subordinate Law SL2024-

10 made under the

11 [Magistrates Court Act 1930](#)

12 **1** **Name of regulation**

13 This regulation is the *Magistrates Court (Fair Trading Australian*
14 *Consumer Law Infringement Notices) Regulation 2024*.

1 **2**

Dictionary

2 The dictionary at the end of this regulation is part of this regulation.

3 *Note 1* The dictionary at the end of this regulation defines certain terms used in
4 this regulation.

5 *Note 2* A definition in the dictionary applies to the entire regulation unless the
6 definition, or another provision of the regulation, provides otherwise or
7 the contrary intention otherwise appears (see [Legislation Act](#), s 155 and
8 s 156 (1)).

9 **3**

Notes

10 A note included in this regulation is explanatory and is not part of this
11 regulation.

12 **4**

Purpose of regulation

13 The purpose of this regulation is to provide for infringement notices
14 under the [Magistrates Court Act 1930](#), part 3.8 for an offence against
15 the relevant provision.

16 *Note* The [Magistrates Court Act 1930](#), pt 3.8 provides a system of infringement
17 notices for offences against various territory laws. The infringement
18 notice system is intended to provide an alternative to prosecution.

19 **5**

Administering authority

20 The administering authority for an infringement notice offence
21 against the relevant provision is the commissioner for fair trading.

22 **6**

Infringement notice offence

23 The [Magistrates Court Act 1930](#), part 3.8 applies to an offence against
24 the relevant provision.

-
- 1 **7 Infringement notice penalty**
- 2 (1) The penalty payable by an individual for an offence against the
3 relevant provision, under an infringement notice for the offence, is
4 \$960.
- 5 (2) The penalty payable by a corporation for an offence against the
6 relevant provision, under an infringement notice for the offence, is
7 \$4 800.
- 8 (3) The cost of serving a reminder notice for an infringement notice
9 offence against the relevant provision is \$34.
- 10 **8 Contents of infringement notices—identifying authorised**
11 **person**
- 12 An infringement notice served on a person by an authorised person
13 for an infringement notice offence against the relevant provision must
14 identify the authorised person by—
- 15 (a) the authorised person’s full name, or surname and initials; or
- 16 (b) any unique number given, for this regulation, to the authorised
17 person by the administering authority.
- 18 **9 Contents of infringement notices—other information**
- 19 (1) An infringement notice served on a company by an authorised person
20 for an infringement notice offence against the relevant provision must
21 include the company’s ACN.
- 22 *Note* This requirement under this section is additional to the requirement under
23 the *Magistrates Court Act 1930*, s 121 (1) (c).
- 24 (2) In this section:
- 25 ***company*** means a company registered under the [Corporations Act](#).

1 **10 Contents of reminder notices—identifying authorised**
2 **person**

3 A reminder notice served on a person by an authorised person for an
4 infringement notice offence against the relevant provision must
5 identify the authorised person by—

- 6 (a) the authorised person’s full name, or surname and initials; or
7 (b) any unique number given, for this regulation, to the authorised
8 person by the administering authority.

9 **11 Authorised person for infringement notice offences**

10 An authorised person may serve the following:

- 11 (a) an infringement notice for an infringement notice offence
12 against the relevant provision;
13 (b) a reminder notice for an infringement notice offence against the
14 relevant provision.

15 **12 Prescribed person—Act, s 135 (1)**

16 A public servant is prescribed.

17 **Dictionary**

18 (see s 2)

19 *Note 1* The [Legislation Act](#) contains definitions relevant to this regulation.
20 For example:

- 21 • corporation
22 • [Corporations Act](#)
23 • individual
24 • public servant.

- 1 *Note 2* Terms used in this regulation have the same meaning that they have in
2 the *Magistrates Court Act 1930*. For example, the following terms are
3 defined in that Act, dict:
- 4 • administering authority
 - 5 • infringement notice
 - 6 • infringement notice offence
 - 7 • infringement notice penalty
 - 8 • reminder notice.
- 9 ***authorised person*** means an investigator appointed under the *Fair*
10 *Trading (Australian Consumer Law) Act 1992*, section 36.
- 11 ***relevant provision*** means the *Fair Trading (Australian Consumer*
12 *Law) Act 1992*, section 34GA (1).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 9 April 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.

Australian Capital Territory 2024