



Australian Capital Territory

# **Residential Tenancies Regulation 1998**

**SL1998-17**

made under the

**Residential Tenancies Act 1997**

**Republication No 15**

**Effective: 9 January 2025 – 22 February 2026**

Republication date: 9 January 2025

Last amendment made by [SL2024-35](#)

## About this republication

### The republished law

This is a republication of the *Residential Tenancies Regulation 1998*, made under the *Residential Tenancies Act 1997* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 9 January 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 9 January 2025.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Residential Tenancies Regulation 1998

made under the

**Residential Tenancies Act 1997**

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Australian Capital Territory

# Residential Tenancies Regulation 1998

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made under the

**Residential Tenancies Act 1997**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Residential Tenancies Regulation 1998*.

### 1AA Dictionary

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

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation.

For example, the signpost definition ‘*approved installer*, for part 3 (Minimum insulation standard for ceilings)—see section 8.’ means that the term ‘approved installer’ is defined in that section for part 3.

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

### 1AB Notes

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

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## Part 2 General matters

### 1A Prescribed agreement not residential tenancy agreement—Act, s 6D (1) (d)

- (1) An agreement relating to the occupation of premises is a prescribed agreement if—
- (a) the agreement is between the Territory (the *lessor*) and a person (the *lessee*); and
  - (b) the agreement includes a term that makes the lessor liable to pay the lessee, on the date of effect, an exit payment calculated in accordance with the following formula:

$$\text{sublease consideration} + \left( \frac{\text{market value at exit} - \text{market value at entry}}{2} \right)$$

- (2) In this section:

***date of effect*** means the date of effect stated in the agreement.

***market value***, of premises, means a valuation of the premises as if—

- (a) the land relating to the premises were subject to a units plan under the *Unit Titles Act 2001*; and
- (b) the rights and obligations mentioned in the agreement were rights and obligations in relation to a unit within a units plan under the *Unit Titles Act 2001*.

***market value at entry*** means the market value of the premises to which the agreement relates on the day the lessee pays the sublease consideration.

***market value at exit*** means the market value of the premises to which the agreement relates on the date of effect.

***sublease consideration*** means the sublease consideration stated in the agreement.

**1AAA Advertising—required information—Act, s 11A (4),  
def *required information*, par (f)**

- (1) This section applies to premises if—
- (a) the premises are a unit; and
  - (b) either or both of the following apply:
    - (i) for an electricity service supplied to the premises—the electricity service is part of an embedded network;
    - (ii) for any utility service supplied to the premises—a tenant has no or limited choice of service provider for the utility service; and

**Example**

A units plan has a centralised hot water system and each unit in the units plan has a hot water meter. A tenant in a unit in the units plan cannot choose a service provider for the supply of electricity used to heat the water before it is provided to the unit.

- (c) the tenant is responsible for paying any cost incurred for their use of the utility service.
- (2) The following information is prescribed:
- (a) if an electricity service supplied to the premises is part of an embedded network—that fact;
  - (b) if a tenant has no or limited choice of service provider for a utility service supplied to the premises—the kind of utility service.

- (3) In this section:

***embedded network*** means an embedded network under the national electricity rules, chapter 10 (Glossary).

***national electricity rules*** means the National Electricity Rules under the *National Electricity (ACT) Law*.

*Note 1* The national electricity rules are accessible at [www.aemc.gov.au](http://www.aemc.gov.au).

*Note 2* The *Electricity (National Scheme) Act 1997*, s 5 applies the National Electricity Law set out in the *National Electricity (South Australia) Act 1996* (SA), schedule as if it were an ACT law called the *National Electricity (ACT) Law*.

***utility services***—see the *Unit Titles Act 2001*, dictionary.

*Note* ***Utility services*** includes electricity services (see *Unit Titles Act 2001*, dict, def ***utility services***, par (e)).

### **1AAB Lessor's obligations—information to be disclosed for premises with swimming pool—Act, s 12 (3) (l)**

- (1) This section applies to premises on which a regulated swimming pool is located.
- (2) However, this section does not apply to a unit in a units plan if the regulated swimming pool is located on the common property for the units plan.
- (3) If the regulated swimming pool was built before 1 May 2023—the following documents are prescribed:
  - (a) a copy of the guidance material notified under the *Building Act 2004*, section 83H (Guidance about obligations on owners);
  - (b) if the pool has been granted a Ministerial exemption from the safety standards—
    - (i) the exemption certificate in force for the pool; and
    - (ii) if the pool is exempt from only part of the safety standards—a compliance certificate for the pool to the extent that it is not exempt from the standards;

- (c) if the pool is not a pool to which paragraph (b) applies—any of the following:
  - (i) a swimming pool disclosure statement for the premises that are the subject of the proposed residential tenancy agreement;
  - (ii) a compliance certificate for the pool;
  - (iii) a certificate of occupancy for the pool and safety barrier.
- (4) If the regulated swimming pool was built or substantially altered on or after 1 May 2023—any 1 of the following documents is prescribed:
  - (a) a swimming pool disclosure statement for the premises that are the subject of the proposed residential tenancy agreement;
  - (b) a compliance certificate for the pool;
  - (c) a certificate of occupancy for the pool and safety barrier.
- (5) A certificate of occupancy mentioned in subsections (3) (c) (iii) and (4) (c) must not be older than 5 years.

*Note* For premises that are a unit in a units plan with a regulated swimming pool located on the common property for the units plan, the documents prescribed by s (3) and s (4) must be included in a unit title rental certificate given to a tenant by the lessor (see [Act](#), s 12 (3) (k)).

- (6) In this section:

***certificate of occupancy***—see the [Building Act 2004](#), dictionary.

***common property***—see the [Unit Titles Act 2001](#), section 13.

***compliance certificate***, for a regulated swimming pool—see the [Building Act 2004](#), section 83K (1).

***exemption certificate***, for a regulated swimming pool—see the [Building Act 2004](#), section 83D (6).

***Ministerial exemption***—see the [Building Act 2004](#), section 83 (1).

*regulated swimming pool*—see the *Building Act 2004*, section 83B (1).

*safety barrier*, for a regulated swimming pool—see the *Building Act 2004*, section 83 (1).

*substantially altered*—see the *Building Act 2004*, section 83L (2).

*swimming pool disclosure statement*—see the *Civil Law (Sale of Residential Property) Regulation 2004*, section 10B (3).

*units plan*—see the *Unit Titles Act 2001*, dictionary.

**1B Smoke alarms and installation of smoke alarms—  
Act, s 11B and s 71CB**

- (1) A smoke alarm installed in, or for, premises subject to a residential tenancy or an occupancy agreement—
  - (a) must—
    - (i) comply with AS 3786; and
    - (ii) be functional; and
    - (iii) be installed on or near the ceiling; and
  - (b) may be—
    - (i) battery-operated; or
    - (ii) hard-wired.

*Note* AS 3786 requires a hard-wired smoke alarm to also have a secondary power source.
- (2) A smoke alarm must be installed in, or for, premises subject to a residential tenancy agreement or an occupancy agreement—
  - (a) in each storey of the premises containing a bedroom—
    - (i) in every corridor or hallway associated with a bedroom; and

(ii) if there is no corridor or hallway—between each part of the premises containing a bedroom and the remainder of the premises; and

(b) in each storey of the premises not containing a bedroom.

*Note* Other requirements may apply in relation to the installation of smoke alarms, for example, requirements under the *Building Act 2004*.

(3) If premises under an occupancy agreement is a bedroom or part of a bedroom, for subsection (2) (a) and (b), a reference to *premises* means the building in which the premises are located.

(4) In this section:

*AS 3786* means Australian Standard AS 3786 (Smoke alarms using scattered light, transmitted light or ionization) as in force from time to time.

## 1C Disapplication of Legislation Act, s 47 (6)

(1) The [Legislation Act](#), section 47 (6) does not apply to AS 3786 under section 1B.

*Note* AS 3786 does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)). The standard may be purchased at [www.standards.org.au](http://www.standards.org.au).

(2) However, the director-general must make a copy of AS 3786 available for inspection by members of the public during ordinary business hours at a place decided by the director-general.

## 2 Prescribed period for depositing bond—Act, s 23 (6)

The period within which the amount of the bond must be deposited with the Territory is—

(a) if the tenant pays the bond to the lessor, the period that ends 2 weeks after the later of the following:

(i) the day the bond is paid;

- (ii) the day the tenancy commences; or
- (b) if the tenant pays the bond to the lessor's agent, the period that ends 4 weeks after the later of the days mentioned in paragraph (a).

#### **4A Appropriate action under warrant—Act, s 40**

It is appropriate for a police officer to physically remove a person from premises—

- (a) between 8 am and 6 pm from Monday to Thursday, other than on a public holiday; or
- (b) if authorised by the warrant in exceptional circumstances—at any time.

#### **5 Service of termination notice**

For the [Act](#), section 58 (1) (b) and section 59 (1) (b) a termination notice must be served—

- (a) on an individual—
  - (i) by delivering it to the person personally; or
  - (ii) by leaving it at, or sending it by prepaid post to, the address of the place of residence or business of the person last known to the person serving the document; or
  - (iii) by leaving it at, or sending it by prepaid post to, the address for service provided by the person under the [Residential Tenancies Act 1997](#), schedule 1 (Standard residential tenancy terms), clause 98; or
- (b) on a corporation—by leaving it at, or sending it by prepaid post to, the head office, a registered office or a principal office of the corporation.

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

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

$$1.1 \times \text{current rental rate} \times \frac{\text{current index number} - \text{initial index number}}{\text{initial index number}}$$

- (2) In this section:

*current index number* means the most recently published index number when the lessor gives the tenant notice of the proposed rental rate increase.

*current rental rate*, for premises under a residential tenancy agreement, means—

- (a) for a proposed consecutive tenancy agreement—the most recent rental rate for the premises under a terminating or terminated residential tenancy agreement; or
- (b) in any other case—the most recent rental rate for the premises under the residential tenancy agreement.

*index number* means the rents subgroup of the housing group of the Consumer Price Index for Canberra published from time to time by the Australian statistician.

*initial index number* means the most recently published index number on—

- (a) for a proposed consecutive tenancy agreement—
  - (i) if the rental rate has not been increased under a terminating or terminated residential tenancy agreement—the day the original tenancy agreement started; or
  - (ii) if the rental rate has been increased under a terminating or terminated residential tenancy agreement—the day the lessor gave the tenant notice of the most recent increase; or

- (b) for an existing consecutive tenancy agreement—
  - (i) if the rental rate has not been increased under the existing agreement or a terminated residential tenancy agreement—the day the original tenancy agreement started; or
  - (ii) if the rental rate has been increased under the existing agreement or a terminated residential tenancy agreement—the day the lessor gave the tenant notice of the most recent increase; or
- (c) in any other case—
  - (i) if the rental rate has not been increased under the residential tenancy agreement—the day the agreement started; or
  - (ii) if the rental rate has been increased under the residential tenancy agreement—the day the lessor gave the tenant notice of the most recent increase.

*original tenancy agreement*, for premises under an existing consecutive tenancy agreement or for which there is a proposed consecutive tenancy agreement, means the residential tenancy agreement that started immediately after the lessor last had possession of the premises.

**5B Minor modification—Act, s 71AA, def *minor modification*, par (b)**

- (1) The following are minor modifications to premises under a residential tenancy agreement:
  - (a) planting vegetables, fruit, flowers, herbs or shrubs if—
    - (i) existing vegetation or plants do not need to be removed; and
    - (ii) for shrubs—the shrubs will not grow to more than 2m in height;

- (b) installing or placing a composting tumbler or composting bin if existing vegetation or plants do not need to be removed.
- (2) However, subsection (1) does not apply—
  - (a) to any common property of a class A unit or class B unit; or
  - (b) to a balcony of a class A unit; or
  - (c) if the minor modification contravenes a rule of the owners corporation and the owners corporation has not given permission for the modification.
- (3) In this section:

*class A unit*—see the *Unit Titles Act 2001*, section 10.

*class B unit*—see the *Unit Titles Act 2001*, section 11.

*common property*—see the *Unit Titles Act 2001*, section 13.

*owners corporation*—see the *Unit Titles (Management) Act 2011*, dictionary.

*rule*, for an owners corporation—see the *Unit Titles (Management) Act 2011*, dictionary.

## **6 Refusing registration of standard guarantee contract— Act, s 136 (2) (c) (i)**

- (1) The commissioner must refuse to register a standard guarantee contract if the contract—
  - (a) allows a tenant or lessor to subrogate the party's rights or remedies to another party; or
  - (b) allows the provider to be party to a tenancy dispute; or
  - (c) allows the provider to recover an amount from the tenant that could not be deducted from a bond under the *Act*, section 31; or

- (d) allows the provider to recover an amount from the tenant without—
  - (i) the tenant's consent; or
  - (ii) an ACAT order, following an application by the lessor, to the effect that the tenant is liable for the amount; or
- (e) allows a provider to approve or otherwise influence a decision of the lessor in relation to a residential tenancy agreement, including a tenancy dispute; or
- (f) prohibits a tenant from terminating the contract without the consent of the other parties if the relevant residential tenancy agreement ends; or
- (g) otherwise gives the provider or lessor under a commercial guarantee any right or remedy against the tenant that the lessor would not have if the lessor had not accepted a guarantee in addition to or in place of a bond.

*Note* **Standard guarantee contract**—see the [Act](#), s 102.

- (2) In making a decision under subsection (1), the commissioner may consult with any entity that has expertise in residential tenancy matters.

**Example**

an entity representing residential tenants or lessors

- (3) In this section:

***provider*** means a party to a commercial guarantee that is not a lessor or tenant.

**7            Commercial guarantee excluded matters—Act,  
s 136 (2) (c) (ii)**

A commercial guarantee must not include a term that has the effect of doing any of the things mentioned in section 6 (1).

*Note 1*    A commercial guarantee is void to the extent it includes a matter that must be excluded (see [Act](#), s 16 (5)).

*Note 2*    **Commercial guarantee**—see the [Act](#), s 102.

## Part 3 Minimum housing standards— ceiling insulation standards

### 8 Definitions—pt 3

(1) In this part:

*approved installer* means a person who satisfies the requirements determined under section 13.

*ceiling insulation* means insulation intended to be used in ceiling spaces in residential premises.

*ceiling insulation standard*—see section 9.

*commencement day* means 1 April 2023.

*continuously tenanted*, for a period, means premises are occupied for the period by—

- (a) a tenant under a residential tenancy agreement; and
- (b) a tenant, including a different tenant to the tenant mentioned in paragraph (a), under any subsequent residential tenancy agreement.

#### **Example—continuously tenanted**

A lessor enters into a residential tenancy agreement on 1 January 2024 for a fixed term of 6 months. The lessor enters into a subsequent agreement for the premises with a different tenant for a fixed term of 6 months. The premises are taken to be continuously tenanted for the period from 1 January 2024 until the subsequent agreement ends.

*licensed electrician* means a person who holds a licence as an electrician under the *Construction Occupations (Licensing) Act 2004* or the law of another jurisdiction.

*required area*, for premises, means any habitable part of the premises.

**required ceiling insulation**, for the required area of premises, means—

- (a) any ceiling insulation in a required area that, on the commencement day, has an R-value of 2 or more; or
- (b) for any required area that does not comply with paragraph (a)—
  - (i) if the required area does not have existing ceiling insulation—ceiling insulation that has an R-value of 5 or more; or
  - (ii) if the required area has existing ceiling insulation batts—additional ceiling insulation batts so that the combined R-value of the insulation is 5 or more; or
  - (iii) if the required area has existing ceiling insulation that is non-cellulose loose-fill product—additional non-cellulose loose-fill product so that the combined R-value of the insulation is 5 or more.

*Note* Existing insulation that is cellulose-based loose-fill product that has an R-value of less than 2 must be removed, see s 10 (2) (c).

**R-value** means the thermal resistance of the ceiling insulation as worked out in accordance with AS 4859.1 (Materials for the thermal insulation of buildings) as in force from time to time.

- (2) In this section:

**law of another jurisdiction** means a law of the Commonwealth, a State or the Northern Territory.

## **9 Minimum housing standard for ceiling insulation—Act, s 19A (1) (b)**

The minimum housing standard for ceiling insulation (the **ceiling insulation standard**) in premises is that the premises have required ceiling insulation installed in all required areas of the premises.

**10 Installing or upgrading ceiling insulation to comply with ceiling insulation standard**

- (1) This section applies if a lessor is required to install or upgrade ceiling insulation for premises to comply with the ceiling insulation standard.
- (2) The lessor must, on or before the required date—
  - (a) ensure that, before any work is undertaken under paragraph (c) or (d), a licensed electrician does the following:
    - (i) completes an inspection of the premises to identify any required electrical work;
    - (ii) gives the lessor a report (a *required electrical work report*)—
      - (A) stating whether any required electrical work was identified during the inspection; and
      - (B) if required electrical work was identified during the inspection—that includes details of the required electrical work;
    - (iii) completes any required electrical work;
    - (iv) if required electrical work is completed—gives the lessor a report (a *completed electrical work report*) that includes details of the completed work; and
  - (b) before any work is undertaken under paragraph (c) or (d), give a copy of the required electrical work report and the completed electrical work report to any approved installer who is to undertake the work mentioned in paragraph (c) or (d); and
  - (c) if any required area has existing lower value insulation—ensure that the lower value insulation is removed by an approved installer; and
  - (d) ensure that required ceiling insulation is installed in the required area by an approved installer.

- (3) However, if the cost of a lessor complying with subsection (2) is likely to be more than \$10 000, the lessor is taken to comply with subsection (2) if, on or before the required date, the things mentioned in that subsection are done in as many designated rooms as possible for \$10 000.

*Note* If s (3) applies, the lessor is required to keep records showing the likely cost of the work (see s 12 (1) (a)).

- (4) For subsection (3), the cost of complying with subsection (2)—
- (a) includes the cost of—
    - (i) any required electrical work; and
    - (ii) any other work necessary to ensure the safe and effective installation of ceiling insulation; but
  - (b) does not include the cost of any maintenance work required or recommended to be undertaken even if ceiling insulation was not being installed in the premises.

**Example—par (a)**

changing a circuit protection rating to allow for the effects of thermal insulation on the wiring system

**Example—par (b)**

replacing unsafe wiring, repairing rotted or rotting joists

- (5) In this section:

***designated rooms*** means entire rooms likely to be occupied for longer periods.

**Examples—rooms occupied for longer periods**

bedrooms, lounge rooms, living rooms

***electrical installation***—see the *Electricity Safety Act 1971*, dictionary.

***IC-4 rated LED downlighting*** means light-emitting diode downlighting with an insulation contact rating of 4 in accordance with AS 60598.2.2:2001 (Luminaries) as in force from time to time.

***lower value insulation*** means insulation that—

- (a) has an R-value of less than 2; and
- (b) is—
  - (i) foil laminated type product; or
  - (ii) cellulose-based loose-fill product.

***required date*** means—

- (a) 30 November 2026 if—
  - (i) a residential tenancy agreement (the ***first agreement***) is entered into before 1 April 2023; and
  - (ii) the premises are continuously tenanted in the period beginning on 1 April 2023 and ending on 30 November 2026; or
- (b) 9 months after the day the first agreement is entered into if—
  - (i) the first agreement is entered into in the period beginning on 1 April 2023 and ending on 30 June 2026; and
  - (ii) the premises are continuously tenanted in the period beginning on the day the first agreement is entered into and ending 9 months after the first agreement is entered into; or
- (c) 3 months after the day the first agreement is entered into if—
  - (i) the first agreement is entered into on or after 1 December 2026; and
  - (ii) the premises are continuously tenanted in the period beginning on the day the first agreement is entered into and ending 3 months after the first agreement is entered into; or

- (d) if an exemption under section 11 applies to the premises and—
  - (i) the exemption stops applying in the period starting on 1 April 2023 and ending on 30 June 2026—9 months after the day the exemption stops applying; or
  - (ii) the exemption stops applying on or after 1 July 2026—within 3 months after the day the exemption stops applying.

***required electrical work*** means—

- (a) if a required area has halogen or other incandescent recessed downlighting—
  - (i) removing the downlighting; and
  - (ii) installing IC-4 rated LED downlighting in the required area; and
- (b) installing a residual current device on any electrical circuit affected, or likely to be affected, by the installation of required ceiling insulation; and
- (c) any other electrical work that is necessary to ensure the electrical safety of an electrical installation affected, or likely to be affected, by the installation of required ceiling insulation.

## **11 Exemptions from complying with ceiling insulation standard**

- (1) Premises are exempt from complying with the ceiling insulation standard in relation to a required area, or part of a required area, if 1 or more of the following applies:
  - (a) ceiling insulation is not able to be installed in a required area for structural reasons;

**Example**

the roof cavity of a required area is too small to allow required ceiling insulation to be safely installed

- (b) the premises are not continuously tenanted in the relevant period;
- (c) the tenant tells the lessor in writing that the tenant does not want ceiling insulation installed in the premises;
- (d) for premises that are a unit under the *Unit Titles Act 2001*—both of the following apply:
  - (i) the premises are in a building with 2 or more storeys; and
  - (ii) the required area is located immediately below another unit in the building;
- (e) for premises that are a unit under the *Unit Titles Act 2001*—both of the following apply:
  - (i) the premises are on the top storey of a building;
  - (ii) the lessor has written confirmation from the owners corporation for the building that the corporation—
    - (A) intends to arrange for required ceiling insulation to be installed in parts of the building, including the required area of the premises; or
    - (B) refuses permission for the lessor to install required ceiling insulation.
- (f) for premises, or part of premises, registered under the *Heritage Act 2004*—installation of required ceiling insulation in the required area would, or would be likely to, have a significant adverse impact on the heritage significance of the premises;
- (g) before entering into a residential tenancy agreement, the lessor tells the tenant in writing that the lessor intends to demolish all of the premises, or a substantial part of the premises, within 2 years after the day the lessor enters into the agreement;
- (h) a residential tenancy agreement is for a fixed term of 12 months or less and the tenant is the former owner of the premises.

- (2) The Minister may determine other reasons for exempting premises from complying with the ceiling insulation standard.
- (3) A determination is a notifiable instrument.
- (4) In this section:

*relevant period* means the following:

- (a) if a residential tenancy agreement (the *first agreement*) is entered into before 1 April 2023—the period beginning on 1 April 2023 and ending on 30 November 2026;
- (b) if the first agreement is entered into in the period starting on 1 April 2023 and ending on 30 November 2026—the period beginning on the day the first agreement is entered into and ending 9 months after the first agreement is entered into;
- (c) if the first agreement is entered into on or after 1 December 2026—the period beginning on the day the first agreement is entered into and ending 3 months after the first agreement is entered into.

## 12 Lessor must keep records—Act, s 19C (c)

- (1) A lessor must keep the following records in relation to premises made available for occupation under a residential tenancy agreement:
  - (a) if the cost of a lessor complying with section 10 (2) is likely to be more than \$10 000—a quote from an approved installer and a licensed electrician;
  - (b) if the lessor is required to obtain a required electrical work report under section 10 (2) (a) (ii)—the report;
  - (c) if a licensed electrician completes required electrical work under section 10 (2) (a) (iii)—a certificate of electrical safety;

*Note* The *Electricity Safety Act 1971* requires a licensed electrician to issue a certificate of electrical safety if a new electrical installation is installed, or work is done on an existing electrical installation.

- (d) if an exemption under section 11 applies to the premises—the following:
- (i) evidence supporting the exemption;
  - (ii) for an exemption under section 11 (1) (g)—a statutory declaration signed by the lessor declaring that the lessor intends to demolish all of the premises, or a substantial part of the premises, within 2 years after the day the lessor enters into the residential tenancy agreement.

*Note* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (2) In this section:

*required electrical work*—see section 10 (5).

*required electrical work report*—see section 10 (2) (a) (ii).

### 13 Approved installers

- (1) The Minister may determine requirements a person must satisfy to install ceiling insulation for this part.
- (2) A determination may apply, adopt or incorporate a law or instrument, or a provision of a law or instrument, as in force from time to time.
- (3) A determination is a notifiable instrument.

### 14 Disapplication of Legislation Act, s 47 (5) and (6)

The [Legislation Act](#), section 47 (5) and (6) do not apply to an Australian Standard applied, adopted or incorporated under this part.

*Note* An Australian Standard applied, adopted or incorporated under this part does not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#) s 47 (7)). Australian Standards may be purchased at [www.standards.org.au](http://www.standards.org.au). Australian Standards are also available for inspection by members of the public at the National Library of Australia.

## **Part 4 Termination of residential tenancy agreements—initiated by tenant for family violence**

### **15 Competent person declaration—required information—Act, s 46I (3)**

The following information is prescribed:

- (a) the capacity mentioned in section 16 (1) in which the person is authorised to make a competent person declaration;
- (b) either—
  - (i) if the person is employed or otherwise engaged by an entity mentioned in section 16 (1) (a)—the name of the entity; or
  - (ii) in any other case—the person’s name;
- (c) a statement that—
  - (i) the person has, in the capacity mentioned in paragraph (a), consulted the tenant, or a dependent child of the tenant; and
  - (ii) the tenant, or a dependent child of the tenant, has experienced family violence;
- (d) the date the declaration is made.

### **16 Competent person—eligible people—Act, s 46I (4)**

- (1) The following people are prescribed:
  - (a) anyone employed or otherwise engaged by a not-for-profit entity that receives funding from the Territory to provide a service in relation to any of the following:
    - (i) family violence;
    - (ii) sexual assault;

- (iii) a refuge or other emergency accommodation for people in crisis;
  - (iv) children or young people, including their families;
  - (b) a health practitioner who practises in any of the following health professions:
    - (i) Aboriginal and Torres Strait Islander health practice;
    - (ii) medical;
    - (iii) midwifery;
    - (iv) nursing;
    - (v) psychology;
  - (c) an employee of the Territory providing a service in relation to child welfare;
  - (d) a person with a social work qualification that provides eligibility for membership of the Australian Association of Social Workers;
  - (e) a member of the human rights commission;
  - (f) the Aboriginal and Torres Strait Islander children and young people commissioner;
  - (g) for a declaration made in relation to a tenant with a dependent child or in relation to the dependent child—a person who is a mandated reporter.
- (2) In this section:

***Aboriginal and Torres Strait Islander children and young people commissioner*** means the person appointed as the Aboriginal and Torres Strait Islander Children and Young People Commissioner under the *Aboriginal and Torres Strait Islander Children and Young People Commissioner Act 2022*, section 10 (1).

**Part 4** Termination of residential tenancy agreements—initiated by tenant for family violence

Section 16

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**health profession**—see the *Health Practitioner Regulation National Law (ACT)*, section 5.

**mandated reporter**—see the *Children and Young People Act 2008*, section 356 (3).

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## Dictionary

(see s 1AA)

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

- document
- entity
- health practitioner
- human rights commission
- in relation to
- may (see s 146)
- Minister (see s 162)
- month
- must (see s 146)
- notifiable instrument (see s 10)
- sign
- statutory declaration
- the Territory
- under.

*Note 2* Terms used in this regulation have the same meaning that they have in the [Residential Tenancies Act 1997](#). For example, the following terms are defined in the [Residential Tenancies Act 1997](#), dict:

- consecutive tenancy agreement
- family violence
- lessor (see s 5)
- residential tenancy agreement (see s 6A)
- tenant (see s 6).

***approved installer***, for part 3 (Minimum housing standards—ceiling insulation standards)—see section 8.

***ceiling insulation***, for part 3 (Minimum housing standards—ceiling insulation standards)—see section 8.

***ceiling insulation standard***, for part 3 (Minimum housing standards—ceiling insulation standards)—see section 9.

***commencement day***, for part 3 (Minimum housing standards—ceiling insulation standards)—see section 8.

***continuously tenanted***, for a period, , for part 3 (Minimum housing standards—ceiling insulation standards)—see section 8.

***licensed electrician***, for part 3 (Minimum housing standards—ceiling insulation standards)—see section 8.

***required area***, for premises, for part 3 (Minimum housing standards—ceiling insulation standards)—see section 8.

***required ceiling insulation***, for part 3 (Minimum housing standards—ceiling insulation standards)—see section 8.

***R-value***, for part 3 (Minimum housing standards—ceiling insulation standards)—see section 8.

***unit***—see the [Unit Titles Act 2001](#), section 9.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This regulation was originally the *Residential Tenancies Regulations*. It was renamed under the [Legislation Act 2001](#).

#### **Residential Tenancies Regulation 1998 SL1998-17**

notified 28 May 1998 (Gaz 1998 No S146)

commenced 25 May 1998 (s 2)

as amended by

#### **[Legislation \(Consequential Amendments\) Act 2001 A2001-44 pt 333](#)**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 333 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **[Residential Tenancies Amendment Act 2005 A2005-39 s 28](#)**

notified LR 31 August 2005

s 1, s 2 commenced 31 August 2005 (LA s 75 (1))

s 28 commenced 28 February 2006 (s 2 and LA s 79)

#### **[Justice and Community Safety Legislation Amendment Act 2005 \(No 4\) A2005-60 sch 1 pt 1.24](#)**

notified LR 1 December 2005

s 1, s 2 taken to have commenced 23 November 2005 (LA s 75 (2))

sch 1 pt 1.24 commenced 22 December 2005 (s 2 (4))

#### **[Residential Tenancies Amendment Regulation 2006 \(No 1\) SL2006-42](#)**

notified LR 3 August 2006

s 1, s 2 commenced 3 August 2006 (LA s 75 (1))

remainder commenced 4 August 2006 (s 2)

#### **[ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.45](#)**

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.45 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 \(1\)](#) and [CN2009-2](#))

**Residential Tenancies Amendment Regulation 2012 (No 1) SL2012-11**

notified LR 26 March 2012  
s 1, s 2 commenced 26 March 2012 (LA s 75 (1))  
remainder commenced 27 March 2012 (s 2)

**Statute Law Amendment Act 2017 (No 2) A2017-28 sch 1 pt 1.4**

notified LR 27 September 2017  
s 1, s 2 commenced 27 September 2017 (LA s 75 (1))  
sch 1 pt 1.4 commenced 11 October 2017 (s 2)

**Residential Tenancies Amendment Regulation 2018 (No 1) SL2018-5**

notified LR 4 May 2018  
s 1, s 2 commenced 4 May 2018 (LA s 75 (1))  
remainder commenced 7 May 2018 (s 2, see [Residential Tenancies Amendment Act 2017](#) A2017-32, s 2 (2) and LA s 79)

**Residential Tenancies Amendment Act 2019 A2019-5 pt 3**

notified LR 4 March 2019  
s 1, s 2 commenced 4 March 2019 (LA s 75 (1))  
pt 3 commenced 1 November (s 2 (1) and [CN2019-18](#))

**Residential Tenancies Amendment Act 2020 (No 2) A2020-48 pt 3**

notified LR 3 September 2020  
s 1, s 2 commenced 3 September 2020 (LA s 75 (1))  
pt 3 commenced 3 March 2021 (s 2 (1) and LA s 79)

**Residential Tenancies Amendment Regulation 2022 (No 1) SL2022-16  
(rep by SL2023-4 s 4)**

notified 11 November 2022  
s 1, s 2 commenced 11 November 2022 (LA s 75 (1))  
remainder never commenced

**Residential Tenancies Legislation Amendment Act 2023 (No 1)  
A2023-5 pt 3**

notified LR 27 March 2023  
s 1, s 2 commenced 27 March 2023 (LA s 75 (1))  
pt 3 commenced 1 April 2023 (s 2 (3) and [CN2023-1](#))

## Endnotes

3 Legislation history

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### **Residential Tenancies Amendment Regulation 2023 (No 1) SL2023-4**

notified 29 March 2023

s 1, s 2 commenced 29 March 2023 (LA s 75 (1))

remainder commenced 1 April 2023 (s 2)

*Note* This regulation also repealed the [Residential Tenancies Amendment Regulation 2022 \(No 1\) SL2022-16](#).

### **Justice and Community Safety Legislation Amendment Act 2023 (No 3) A2023-57 pt 15**

notified LR 11 December 2023

s 1, s 2 commenced 11 December 2023 (LA s 75 (1))

pt 15 commenced 12 December 2023 (s 2 (1))

### **Housing and Consumer Affairs Legislation Amendment Act 2024 A2024-29 pt 9**

notified LR 9 July 2024

s 1, s 2 taken to have commenced 1 July 2024 (LA s 75 (2))

pt 9 commenced 10 December 2024 (s 2 (4) and [CN2024-7](#))

### **Residential Tenancies Amendment Regulation 2024 (No 1) SL2024-35**

notified 9 December 2024

s 1, s 2 commenced 9 December 2024 (LA s 75 (1))

ss 5-7 commenced 10 December 2024 (s 2 (3) and see [Housing and Consumer Affairs Legislation Amendment Act 2024 A2024-29](#), s 2 (4) and [CN2024-7](#))

remainder commenced 9 January 2025 (s 2 (2) (a) and see [Housing and Consumer Affairs Legislation Amendment Act 2024 A2024-29](#), s 2 (4) and [CN2024-7](#))

## 4 Amendment history

### Preliminary

pt 1 hdg ins [SL2023-4](#) s 5

### Name of regulation

s 1 am R1 LA; R2 LA

### Dictionary

s 1AA ins [SL2018-5](#) s 4  
sub [SL2023-4](#) s 6

### Notes

s 1AB ins [SL2023-4](#) s 6

### General matters

pt 2 hdg ins [SL2023-4](#) s 7

### Prescribed agreement not residential tenancy agreement—Act, s 6D (1) (d)

s 1A ins [SL2012-11](#) s 4

### Advertising—required information—Act, s 11A (4), def *required information*, par (f)

s 1AAA ins [SL2024-35](#) s 4

### Lessor's obligations—information to be disclosed for premises with swimming pool—Act, s 12 (3) (l)

s 1AAB ins [SL2024-35](#) s 4

### Smoke alarms and installation of smoke alarms—Act, s 11B and s 71CB

s 1B ins [A2017-28](#) amdt 1.8  
sub [A2020-48](#) s 50

### Disapplication of Legislation Act, s 47 (6)

s 1C ins [A2017-28](#) amdt 1.8

### Prescribed period for depositing bond—Act, s 23 (6)

s 2 om [A2001-44](#) amdt 1.3667  
ins [SL2006-42](#) s 4

### Interpretation

s 3 om [A2001-44](#) amdt 1.3667

### Interest

s 4 om [A2005-60](#) amdt 1.131

### Appropriate action under warrant—Act, s 40

s 4A ins [A2005-39](#) s 28

### Rental increase threshold—Act, s 64B and s 68

s 5A ins [A2019-5](#) s 24  
sub [A2023-57](#) s 45  
am [A2024-29](#) ss 109-112

## Endnotes

4 Amendment history

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**Minor modification—Act, s 71AA, def *minor modification*, par (b)**  
s 5B ins [A2023-5](#) s 61

**Refusing registration of standard guarantee contract—Act, s 136 (2) (c) (i)**  
s 6 om [A2008-36](#) amdt 1.596  
ins [SL2018-5](#) s 5

**Commercial guarantee excluded matters—Act, s 136 (2) (c) (ii)**  
s 7 om [A2008-36](#) amdt 1.596  
ins [SL2018-5](#) s 5

**Minimum housing standards—ceiling insulation standards**  
pt 3 hdg ins [SL2023-4](#) s 8

**Definitions—pt 3**  
s 8 om [A2001-44](#) amdt 1.3667  
ins [SL2023-4](#) s 8  
def ***approved installer*** ins [SL2023-4](#) s 8  
def ***ceiling insulation*** ins [SL2023-4](#) s 8  
def ***ceiling insulation standard*** ins [SL2023-4](#) s 8  
def ***commencement day*** ins [SL2023-4](#) s 8  
def ***continuously tenanted*** ins [SL2023-4](#) s 8  
def ***licensed electrician*** ins [SL2023-4](#) s 8  
def ***required area*** ins [SL2023-4](#) s 8  
def ***required ceiling insulation*** ins [SL2023-4](#) s 8  
def ***R-value*** ins [SL2023-4](#) s 8

**Minimum housing standard for ceiling insulation—Act, s 19A (1) (b)**  
s 9 ins [SL2023-4](#) s 8

**Installing or upgrading ceiling insulation to comply with ceiling insulation standard**  
s 10 ins [SL2023-4](#) s 8

**Exemptions from complying with ceiling insulation standard**  
s 11 ins [SL2023-4](#) s 8

**Lessor must keep records—Act, s 19C (c)**  
s 12 ins [SL2023-4](#) s 8

**Approved installers**  
s 13 ins [SL2023-4](#) s 8

**Disapplication of Legislation Act, s 47 (5) and (6)**  
s 14 ins [SL2023-4](#) s 8

**Termination of residential tenancy agreements—initiated by tenant for family violence**  
pt 4 hdg ins [SL2024-35](#) s 5

**Competent person declaration—required information—Act, s 46I (3)**  
s 15 ins [SL2024-35](#) s 5

**Competent person—eligible people—Act, s 46I (4)**s 16 ins [SL2024-35](#) s 5**Termination notice**sch om [A2001-44](#) amdt 1.3668**Dictionary**dict ins [SL2023-4](#) s 9  
am [A2024-29](#) s 113; [SL2024-35](#) s 6, s 7  
def **approved installer** ins [SL2023-4](#) s 9  
def **ceiling insulation** ins [SL2023-4](#) s 9  
def **ceiling insulation standard** ins [SL2023-4](#) s 9  
def **commencement day** ins [SL2023-4](#) s 9  
def **continuously tenanted** ins [SL2023-4](#) s 9  
def **licensed electrician** ins [SL2023-4](#) s 9  
def **required area** ins [SL2023-4](#) s 9  
def **required ceiling insulation** ins [SL2023-4](#) s 9  
def **R-value** ins [SL2023-4](#) s 9  
def **unit** ins [SL2024-35](#) s 8

## Endnotes

### 5 Earlier republications

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#### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 27 Jun 2002	27 Jun 2002- 2 Nov 2004	<a href="#">A2001-44</a>	amendments by <a href="#">A2001-44</a>
R2 3 Nov 2004	3 Nov 2004- 21 Dec 2005	<a href="#">A2001-44</a>	editorial amendments under <a href="#">Legislation Act</a>
R3 22 Dec 2005	22 Dec 2005- 27 Feb 2006	<a href="#">A2005-60</a>	amendments by <a href="#">A2005-60</a>
R4 28 Feb 2006	28 Feb 2006- 3 Aug 2006	<a href="#">A2005-60</a>	amendments by <a href="#">A2005-39</a>
R5 4 Aug 2008	4 Aug 2008- 1 Feb 2009	<a href="#">SL2006-42</a>	amendments by <a href="#">SL2006-42</a>
R6 2 Feb 2009	2 Feb 2009- 26 Mar 2012	<a href="#">A2008-36</a>	amendments by <a href="#">A2008-36</a>
R7 27 Mar 2012	27 Mar 2012- 10 Sept 2017	<a href="#">SL2012-11</a>	amendments by <a href="#">SL2012-11</a>
R8 11 Oct 2017	11 Oct 2017- 6 May 2018	<a href="#">A2017-28</a>	amendments by <a href="#">A2017-28</a>
R9 7 May 2018	7 May 2018- 31 Oct 2019	<a href="#">SL2018-5</a>	amendments by <a href="#">SL2018-5</a>
R10 1 Nov 2019	1 Nov 2019- 2 Mar 2021	<a href="#">A2019-5</a>	amendments by <a href="#">A2019-5</a>
R11 3 Mar 2021	3 Mar 2021- 31 Mar 2023	<a href="#">A2020-48</a>	amendments by <a href="#">A2020-48</a>

Republication No and date	Effective	Last amendment made by	Republication for
R12 1 Apr 2023	1 Apr 2023– 11 Dec 2023	<a href="#">SL2023-4</a>	amendments by <a href="#">A2023-5</a> and <a href="#">SL2023-4</a>
R13 12 Dec 2023	12 Dec 2023– 9 Dec 2024	<a href="#">A2023-57</a>	amendments by <a href="#">A2023-57</a>
R14 10 Dec 2024	10 Dec 2024– 8 Jan 2025	<a href="#">SL2024-35</a>	amendments by <a href="#">A2024-29</a> and <a href="#">SL2024-35</a>

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