

Australian Capital Territory

Residential Tenancies Amendment Regulation 2024 (No 1)

Subordinate Law SL2024-35

The Australian Capital Territory Executive makes the following regulation under the [Residential Tenancies Act 1997](http://www.legislation.act.gov.au/a/1997-84).

Dated 6 December 2024.

Andrew Barr

Chief Minister

Tara Cheyne

Minister



Australian Capital Territory

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made under the

[Residential Tenancies Act 1997](http://www.legislation.act.gov.au/a/1997-84%22%20%5Co%20%22A1997-84)

1 Name of regulation

This regulation is the *Residential Tenancies Amendment Regulation 2024 (No 1)*.

2 Commencement

 (1) This regulation (other than sections 4 to 8) commences on the day after its notification day.

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

 (2) Sections 4 and 8 commence on the later of—

 (a) the commencement of the [Housing and Consumer Affairs Legislation Amendment Act 2024](https://legislation.act.gov.au/a/2024-29/), section 44; and

 (b) the commencement of this regulation, section 3.

 (3) Sections 5 to 7 commence on the later of—

 (a) the commencement of the [Housing and Consumer Affairs Legislation Amendment Act 2024](https://legislation.act.gov.au/a/2024-29/), section 67; and

 (b) the commencement of this regulation, section 3.

3 Legislation amended

This regulation amends the [Residential Tenancies Regulation 1998](http://www.legislation.act.gov.au/sl/1998-17).

4 New sections 1AAA and 1AAB

insert

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](http://www.legislation.act.gov.au/a/1997-79), s 5 applies the National Electricity Law set out in the [National Electricity (South Australia) Act 1996](https://www.legislation.sa.gov.au/lz?path=/c/a/national%20electricity%20(south%20australia)%20act%201996) (SA), schedule as if it were an ACT law called the National Electricity (ACT) Law.

utility services—see the [Unit Titles Act 2001](http://www.legislation.act.gov.au/a/2001-16), dictionary.

Note Utility services includes electricity services (see [Unit Titles Act 2001](http://www.legislation.act.gov.au/a/2001-16), 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](http://www.legislation.act.gov.au/a/2004-11), 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](https://legislation.act.gov.au/a/1997-84/), s 12 (3) (k)).

 (6) In this section:

certificate of occupancy**—**see the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11), dictionary.

common property—see the [Unit Titles Act 2001](http://www.legislation.act.gov.au/a/2001-16), section 13.

compliance certificate, for a regulated swimming pool**—**see the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11), section 83K (1).

exemption certificate, for a regulated swimming pool**—**see the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11), section 83D (6).

Ministerial exemption**—**see the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11), section 83 (1).

regulated swimming pool**—**see the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11), section 83B (1).

safety barrier, for a regulated swimming pool**—**see the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11), section 83 (1).

substantially altered—see the [Building Act 2004](http://www.legislation.act.gov.au/a/2004-11), section 83L (2).

swimming pool disclosure statement—see the [Civil Law (Sale of Residential Property) Regulation 2004](http://www.legislation.act.gov.au/sl/2004-25), section 10B (3).

units plan—see the [Unit Titles Act 2001](http://www.legislation.act.gov.au/a/2001-16), dictionary.

5 New part 4

insert

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](http://www.legislation.act.gov.au/a/2022-25), section 10 (1).

health profession—see the [Health Practitioner Regulation National Law (ACT)](https://legislation.act.gov.au/a/db_39269/), section 5.

mandated reporter—see the [Children and Young People Act 2008](http://www.legislation.act.gov.au/a/2008-19), section 356 (3).

6 Dictionary, note 1

insert

 entity

 health practitioner

 human rights commission

 the Territory

7 Dictionary, note 2

insert

 family violence

8 Dictionary, new definition of unit

insert

unit—see the [Unit Titles Act 2001](http://www.legislation.act.gov.au/a/2001-16), section 9.

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 9 December 2024.

2 Republications of amended laws

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

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