



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*.

Dated 6 December 2024.

ANDREW BARR
Chief Minister

TARA CHEYNE
Minister



Australian Capital Territory

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Subordinate Law SL2024-35

made under the

[Residential Tenancies Act 1997](#)

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](#), 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](#), 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](#), section 67; and
 - (b) the commencement of this regulation, section 3.

3 Legislation amended

This regulation amends the [Residential Tenancies Regulation 1998](#).

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.

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.

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*, section 10 (1).

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).

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*, section 9.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 9 December 2024.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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