

Residential Tenancies and Rooming Accommodation (Transitional) Regulation 2024

Explanatory notes for Subordinate Legislation 2024 No. 159

Made under the

Residential Tenancies and Rooming Accommodation Act 2008

General Outline

Short title

The short title of the Regulation is the *Residential Tenancies and Rooming Accommodation (Transitional) Regulation 2024* (Transitional Regulation).

Authorising law

Section 588 of the *Residential Tenancies and Rooming Accommodation Act 2008*.

Policy objectives and the reasons for them

The *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024* (RTRAOLA Act) amends the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act) and received assent on 6 June 2024.

Amendments that commenced on Assent applied the annual rent increase frequency limit to a rental property. This reform applies to both residential tenancy agreements and rooming accommodation.

To support this reform, the RTRAOLA Act also made amendments to ensure renters know or can find out when their rent is allowed to increase, including:

- enabling a renter to request evidence of the date of the last rent increase (section 93A for residential tenancy agreements and section 105C for rooming accommodation)
- requiring that the date of the last rent increase is disclosed on written agreements (section 61(2)(c) for residential tenancy agreements, and section 77(2)(c) for rooming accommodation agreements)
- requiring that the date of the last rent increase is disclosed on a written notice of a rent increase. (91(3)(c) for residential tenancy agreements and section 105(2)(c) for rooming accommodation agreements).

Amendments moved during consideration in detail were transitional provisions (sections 579A and 579B) to address concerns about a rental property owner's ability to comply with the requirement to provide written evidence of the date of the last rent increase if they recently purchased the property and do not hold such evidence.

The transitional provisions in the RTRAOLA Act do not remove the requirement to provide evidence of the date of the last rent increase or include the date of the last rent increase in a tenancy agreement or written notice of a rent increase where a property was purchased in the 12 months prior to commencement and the new owner does not hold the information.

The RTRAOLA Act established a head of power (section 588) for a Transitional Regulation that provides that it, and any transitional regulation made under it, will sunset two years after it commences.

The policy objectives of the Transitional Regulation are to support the implementation of the RTRAOLA Act to:

1. ensure rental property owners or their agents are not in breach of the RTRAOLA Act or subject to penalties when the premises was the subject of a tenancy agreement or rooming accommodation agreement in the 12 months prior to commencement, and they are unable to provide the date of the last increase on the written agreement or written notice of a rent increase because they purchased the property during the 12 month period and do not hold information about the day of the last rent increase
2. ensure that requirements to provide evidence of the date of the last rent increase apply for the 12 months prior to commencement of the provision.

The transitional provisions will expire on 7 June 2025 and will commence on notification.

Achievement of policy objectives

The Transitional Regulation supports implementation of the RTRAOLA Act, which is a priority response to community concerns about the impact of current housing market conditions and cost of living pressures on Queensland's renting households.

The Transitional Regulation clarifies that lessors, providers and their agents are not required to disclose the date of the last rent increase for the premises if the property was purchased in the 12 months prior to commencement of the RTRAOLA Act and they do not hold information about the date of the last rent increase.

It will ensure lessors, providers and their agents are not in breach of the RTRAOLA Act or subject to penalties if they are unable to comply with the relevant date of the last rent increase disclosure provisions in the RTRAOLA Act because they purchased the property in the 12 months prior to the provisions commencing.

Consistency with policy objectives of authorising law

The Transitional Regulation is consistent with the policy objectives of the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024*.

Inconsistency with policy objectives of other legislation

The Transitional Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The Transitional Regulation is the most effective means of achieving the policy objectives.

Benefits and costs of implementation

The Transitional Regulation will provide uniformity and alignment of provisions. This will provide clarity to the residential rental sector and support property owners and their agents to transition their systems and enable them to comply with the requirement to disclose the day of the last rent increase.

There are no anticipated costs to government or the sector.

Consistency with fundamental legislative principles

Fundamental Legislative Principle issues

The Transitional Regulation is consistent with the Fundamental Legislative Principles set out in the *Legislative Standards Act 1992*.

Consultation

No consultation has been undertaken as the amendments are technical in nature to clarify obligations established under the RTRAOLA Act.

In accordance with the Queensland Government Better Regulation Policy, an Impact Analysis Statement (IAS) has been prepared and approved by the Director-General, DHLGPPW and Minister for Housing, Local Government and Planning and Minister for Public Works. The IAS found, in summary, that the proposed amendments are minor and machinery in nature and does not result in a substantive change to regulatory policy or new impacts on business, government or the community.