



Queensland

Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024

Act No. 27 of 2024

An Act to amend the Body Corporate and Community Management Act 1997, the Building Industry Fairness (Security of Payment) Act 2017, the Fair Trading Inspectors Act 2014, the Local Government Act 2009, the Property Occupations Act 2014, the Residential Tenancies and Rooming Accommodation Act 2008 and the legislation mentioned in schedule 1 for particular purposes

[Assented to 6 June 2024]



Queensland

Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024*.

2 Commencement

- (1) The following provisions commence on 1 July 2024—
 - (a) part 3, division 3;
 - (b) schedule 1, part 2.
- (2) Part 3, divisions 2 and 4 commence 1 year after the date of assent.
- (3) Part 2, division 3 commences on a day to be fixed by proclamation.

Part 2 Amendment of Residential Tenancies and Rooming Accommodation Act 2008

Division 1 Preliminary

3 Act amended

This part amends the *Residential Tenancies and Rooming Accommodation Act 2008*.

Division 2 Amendments commencing on assent

4 Amendment of s 29 (Act applies to certain residential tenancy agreements etc.)

Section 29(2), example 3—

omit, insert—

- 3 Under sections 32 and 44A, this Act generally does not apply to an agreement if the tenant or resident is a boarder or lodger.

5 Amendment of s 44 (Rooming accommodation agreements to which Act does not apply)

Section 44(3)—

omit, insert—

- (3) Despite subsection (1), if a rental bond is paid for rooming accommodation mentioned in subsection (1)(a) or (f), the provisions of this Act about rental bonds apply to the agreement.

6 Insertion of new s 44A

After section 44—

insert—

44A Boarders and lodgers

- (1) This Act does not apply to a rooming accommodation agreement if the resident is a boarder or lodger.
- (2) However, if a rental bond is paid for a rooming accommodation agreement under which the resident is a boarder or lodger, the provisions of this Act about rental bonds apply to the agreement.

Note—

See section 433 for the matters to which the tribunal must have regard in deciding whether a person is a boarder or lodger.

7 Amendment of s 57 (Offer of residential tenancy must be for rent at a fixed amount)

- (1) Section 57(1), ‘lessor or lessor’s agent’—

omit, insert—

person

- (2) Section 57(1), penalty—

omit, insert—

Maximum penalty—50 penalty units.

- (3) Section 57(2), ‘lessor or lessor’s agent’—

omit, insert—

person

- (4) Section 57(2), penalty—

omit, insert—

Maximum penalty—50 penalty units.

- (5) Section 57—

insert—

- (2A) A person must not solicit or otherwise invite an offer, or accept an offer, of an amount for a residential tenancy for premises that is more than the fixed amount stated in an advertisement or offer as the amount of rent for the premises.

Maximum penalty—50 penalty units.

- (6) Section 57(2A) and (3)—

renumber as section 57(3) and (4).

7A Insertion of new s 57AA

After section 57A—

insert—

57AA Offer of residential tenancy—limitation on rent in advance

- (1) This section applies if a residential tenancy for premises is advertised or otherwise offered by a lessor or lessor's agent.
- (2) A person must not solicit or otherwise invite an offer, or accept an offer, of an amount of rent in advance for the premises that is more than the amount required under section 87(1).

Maximum penalty—50 penalty units.

8 Amendment of s 61 (Written agreements required)

- (1) Section 61(2)—

insert—

- (c) include the day the rent for the premises was last increased, within the meaning of section 93, at the time the agreement is entered into.

- (2) Section 61—

insert—

- (2A) However, subsection (2)(c) does not apply if the lessor is an exempt lessor.

9 Amendment of s 73 (Standard terms)

Section 73(2), note, 'section 77(2)'—

omit, insert—

section 77(2)(a)

10 Insertion of new ss 76AA and 76AB

After section 76—

insert—

76AA Offer of rooming accommodation must be for rent at a fixed amount

- (1) A person must not advertise or otherwise offer rooming accommodation for rental premises unless a fixed amount is stated in the advertisement or offer as the amount of rent for the rental premises.

Maximum penalty—50 penalty units.

- (2) A person must not accept a rental bond from the resident of rental premises if the rooming accommodation for the rental premises was advertised or offered without stating a fixed amount of rent for the rental premises.

Maximum penalty—50 penalty units.

- (3) A person must not solicit or otherwise invite an offer, or accept an offer, of an amount for rooming accommodation for rental premises that is more than the fixed amount stated in an advertisement or offer as the amount of rent for the rental premises.

Maximum penalty—50 penalty units.

- (4) A person does not contravene this section merely by placing a sign on or near rental premises advertising or offering rooming accommodation for the rental premises without stating the amount of rent for the rental premises on the sign.

76AB Offer of rooming accommodation—limitation on rent in advance

- (1) This section applies if rooming accommodation for rental premises is advertised or otherwise

offered by a provider or provider's agent.

- (2) A person must not solicit or otherwise invite an offer, or accept an offer, of an amount of rent in advance for the rental premises that is more than the amount required under section 101(1).

Maximum penalty—50 penalty units.

11 Amendment of s 77 (Written agreement required)

- (1) Section 77(1), penalty—

omit, insert—

Maximum penalty—40 penalty units.

- (2) Section 77(2)—

omit, insert—

- (2) The written agreement must include—

- (a) the standard terms for the agreement; and
- (b) any special terms of the agreement; and
- (c) the day the rent for the resident's room was last increased, within the meaning of section 105B, at the time the agreement is entered into.

- (2A) However, subsection (2)(c) does not apply if the provider is an exempt provider.

12 Insertion of new s 82A

Before section 83—

insert—

82A Meaning of *exempt lessor*

A lessor of premises is an *exempt lessor* if—

- (a) the lessor receives funding for the premises under the *Housing Act 2003* if the amount of

rent payable for the premises is determined by household income; or

Examples—

- a community housing provider
 - a specialist homelessness service
- (b) the lessor receives funding for the premises that is the subject of a funding declaration under the *Community Services Act 2007* if the amount of rent payable for the premises is determined by household income; or
- (c) the lessor is the chief executive of the housing department, acting on behalf of the State; or
- (d) the lessor is the State and the tenant is an officer or employee of the State; or
- (e) the lessor is the replacement lessor under a community housing provider tenancy agreement; or
- (f) the lessor is prescribed by regulation to be an exempt lessor.

14 Amendment of s 91 (Rent increases)

(1) Section 91(1)—

insert—

Note—

See also section 93 for the minimum period before rent can be increased under a residential tenancy agreement.

(2) Section 91(3)—

insert—

- (c) the day the rent was last increased for the premises.

(2A) Section 91—

insert—

(3A) However, subsection (3)(c) does not apply if the lessor is an exempt lessor.

(2B) Section 91(4), after ‘day stated in the notice’—

insert—

under subsection (3)(b)

(3) Section 91(8), ‘section 93’—

omit, insert—

sections 93 and 93A

15 **Amendment of s 93 (Minimum period before rent can be increased)**

(1) Section 93(1) and (2)—

omit, insert—

(1) A lessor or lessor’s agent must not increase, or purport to increase, the rent payable by a tenant less than 12 months after the last rent increase for the residential premises.

Maximum penalty—20 penalty units.

(2) For this section, rent is *increased* for the residential premises if—

(a) a rent increase happens during the term of a residential tenancy agreement; or

(b) a new residential tenancy agreement (a *new agreement*) is entered into for the residential premises and, immediately before rent becomes payable under the new agreement, either—

(i) rent was not payable for the residential premises; or

(ii) the amount of rent payable for the residential premises was less than the

rent that will be payable under the new agreement.

- (2A) The 12-month period mentioned in subsection (1) applies even if the last rent increase for the residential premises related to a different residential tenancy agreement, including a residential tenancy agreement entered into by a previous owner of the premises.

Example—

Under a residential tenancy agreement with Tenant A, rent is increased on 1 November 2024. A new residential tenancy agreement for the residential premises is entered into with Tenant B, commencing on 1 February 2025. Under subsection (1), the rent must not be increased until 12 months after 1 November 2024.

- (2B) Also, if the residential premises are moveable dwelling premises in a moveable dwelling park for a long tenancy (moveable dwelling), the 12-month period mentioned in subsection (1) applies whether the last rent increase was for the dwelling or its site, or both.

- (2) Section 93(5)—

omit, insert—

- (5) This section does not apply—

- (a) to an exempt lessor or an agent of an exempt lessor; or
- (b) to the extent the rent payable under a residential tenancy agreement is increased under an order of the tribunal under section 93B.

- (3) Section 93(6)—

omit.

- (4) Section 93(2A) to (5)—

renumber as section 93(3) to (7).

16 Insertion of new ss 93A and 93B

After section 93—

insert—

93A Evidence of last rent increase

- (1) A tenant may, by written notice, ask a lessor or lessor's agent to give the tenant evidence of the day of the last rent increase for the residential premises.

Examples of evidence of the day of the last rent increase—

- a copy of a previous residential tenancy agreement for the residential premises
 - a written rent increase notice for the residential premises
 - a copy of the rent ledger for the residential premises
- (2) The lessor or lessor's agent must give the tenant the evidence within 14 days after receiving the request.
Maximum penalty—40 penalty units.
 - (3) Evidence must not be given to the tenant under this section unless personal information about any other person has been removed or otherwise de-identified.
 - (4) This section does not apply in relation to an exempt lessor or an agent of an exempt lessor.

93B Tribunal order about rent increase

- (1) This section applies if a lessor reasonably believes the lessor would be caused undue hardship because the lessor is not able to increase the rent payable under a residential tenancy agreement during the 12-month period mentioned in section 93(1).
- (2) The lessor may apply to a tribunal for an order mentioned in subsection (3).

- (3) The tribunal may make an order permitting the lessor to increase the rent payable under the residential tenancy agreement by a stated amount.
- (4) In deciding the application, the tribunal must have regard to any representation made by a tenant under the residential tenancy agreement about the proposed rent increase and its likely effect on—
 - (a) the affordability of the premises; and
 - (b) the tenant’s ability to continue to pay the rent for the premises.
- (5) This section does not apply in relation to an exempt lessor or an agent of an exempt lessor.

17 Amendment of s 94 (Rent decreases)

Section 94—

insert—

- (5) Subsection (6) applies if the rent payable under an agreement—
 - (a) is decreased under this section or by order of a tribunal; and
 - (b) later reverts to the rent payable before the decrease.
- (6) The change in rent payable under the agreement mentioned in subsection (5)(b) is taken not to be a rent increase for section 91 or 93.

17A Insertion of new s 97A

Before section 98—

insert—

97A Meaning of *exempt provider*

A provider of rooming accommodation is an *exempt provider* if—

- (a) the provider receives funding for the rooming accommodation under the *Housing Act 2003* if the amount of rent payable for the rooming accommodation is determined by household income; or

Examples—

a community housing provider, a specialist homelessness service

- (b) the provider receives funding for the rooming accommodation that is the subject of a funding declaration under the *Community Services Act 2007* if the amount of rent payable for the rooming accommodation is determined by household income; or
- (c) the provider is the chief executive of the housing department, acting on behalf of the State; or
- (d) the provider is prescribed by regulation to be an exempt provider.

18A Amendment of s 105 (Rent increases)

- (1) Section 105(2)—

insert—

- (c) the day the rent was last increased for the resident's room.

- (2) Section 105, after subsection (2)—

insert—

- (2AA) However, subsection (2)(c) does not apply if the provider is an exempt provider.

- (3) Section 105(2A), after 'day stated in the notice'—

insert—

under subsection (2)(b)

19 Amendment of s 105B (Minimum period before rent can be increased)

(1) Section 105B(1) and (2)—

omit, insert—

(1) A provider or provider's agent must not increase, or purport to increase, the rent payable by a resident less than 12 months after the last rent increase for the resident's room.

Maximum penalty—20 penalty units.

(2) For this section, rent is *increased* for the resident's room if—

(a) a rent increase happens during the term of a rooming accommodation agreement; or

(b) a new rooming accommodation agreement (a *new agreement*) is entered into for the resident's room and, immediately before rent becomes payable under the new agreement, either—

(i) rent was not payable for the resident's room; or

(ii) the amount of rent payable for the resident's room was less than the rent that will be payable under the new agreement.

(2A) The 12-month period mentioned in subsection (1) applies even if the last rent increase for the resident's room related to a different rooming accommodation agreement, including a rooming accommodation agreement entered into by a previous provider of the rental premises.

Example—

Under a rooming accommodation agreement with Resident A, rent is increased on 1 November 2024. A new rooming accommodation agreement for the resident's room is entered into with Resident B,

commencing on 1 February 2025. Under subsection (1), the rent must not be increased until 12 months after 1 November 2024.

(2) Section 105B—

insert—

(3A) If the amount of rent payable under a rooming accommodation agreement includes payment for both accommodation and a service, the 12-month period mentioned in subsection (1) applies only in relation to an increase in rent payable for accommodation under the agreement.

(3) Section 105B—

insert—

(4A) This section does not apply—

- (a) to an exempt provider or an agent of an exempt provider; or
- (b) to the extent the rent payable under a rooming accommodation agreement is increased under an order of the tribunal under section 105E.

(4) Section 105B(5)—

omit.

(5) Section 105B(2A) to (4A)—

renumber as section 105B(3) to (7).

20 Insertion of new ss 105C–105E

After section 105B—

insert—

105C Evidence of last rent increase

- (1) A resident may, by written notice, ask a provider or provider's agent to give the resident evidence of the day of the last rent increase for the

resident's room.

Examples of evidence of the day of the last rent increase—

- a copy of a previous rooming accommodation agreement for the resident's room
 - a written rent increase notice for the resident's room
 - a copy of the rent ledger for the resident's room
- (2) The provider or provider's agent must give the resident the evidence within 14 days after receiving the request.

Maximum penalty—40 penalty units.

- (3) Evidence must not be given to the resident under this section unless personal information about any other person has been removed or otherwise de-identified.
- (4) This section does not apply in relation to an exempt provider or an agent of an exempt provider.

105D Rent increase in relation to service provided under agreement

An increase in the rent payable under a rooming accommodation agreement that relates only to an increase in the cost of a personal care service or food service provided under the agreement is taken not to be a rent increase for section 105 or 105B.

105E Tribunal order about rent increase

- (1) This section applies if a provider reasonably believes the provider would be caused undue hardship because the provider is not able to increase the rent payable under a rooming accommodation agreement during the 12-month period mentioned in section 105B(1).

- (2) The provider may apply to a tribunal for an order mentioned in subsection (3).
- (3) The tribunal may make an order permitting the provider to increase the rent payable under the rooming accommodation agreement by a stated amount.
- (4) In deciding the application, the tribunal must have regard to any representation made by a resident under the rooming accommodation agreement about the proposed rent increase and its likely effect on—
 - (a) the affordability of the resident’s room; and
 - (b) the resident’s ability to continue to pay the rent for the room.

21 Insertion of new s 107A

After section 107—

insert—

107A Rent decreases

- (1) This section applies if the rent payable under a rooming accommodation agreement—
 - (a) is decreased under section 106 or 107 or by order of a tribunal; and
 - (b) later reverts to the rent payable before the decrease.
- (2) The change in rent payable under the agreement mentioned in subsection (1)(b) is taken not to be a rent increase for section 105 or 105B.

22 Amendment of s 136E (Payment of rental bond after dispute resolution process)

Section 136E(2)(d)(iii), after ‘withdrawn’—

insert—

or dismissed

23 Replacement of s 138 (Payment to rental bond supplier)

Section 138—

omit, insert—

138 Payment to rental bond supplier

- (1) This section applies if—
 - (a) all or part of a rental bond is payable to a contributor for the bond; and
 - (b) all or part of the contributor's part of the bond was provided by way of loan from the housing department; and
 - (c) an amount of the loan is owing to the housing department.
- (2) The authority must pay the contributor's part of the rental bond as follows—
 - (a) to the extent of the amount owing to the housing department—to the housing department;
 - (b) the remainder, if any, to the contributor.

24 Amendment of s 148 (Order for return of bond if bond wrongfully taken)

Section 148(1)(b), after 'section 76A(2)'—

insert—

or 76AA(2)

25 Insertion of new s 155A

After section 155—

insert—

155A Transfer of rental bond

- (1) This section applies if a rental bond has been paid for a residential tenancy agreement or rooming accommodation agreement.
- (2) The authority may, in the circumstances prescribed by regulation, transfer all or part of the rental bond to another agreement (the *new agreement*).
- (3) For section 111, an amount of rental bond transferred under this section is taken to be an amount paid by or for the tenant under the new agreement.
- (4) Without limiting subsection (2), a regulation may provide for the following matters—
 - (a) any requirements relating to the transfer of the rental bond that must be complied with for the transfer to take effect, including, for example, the payment of fees;
 - (b) how a provision of this Act relating to payment or refund of a rental bond applies in relation to a rental bond transferred under this section;
 - (c) how a provision of this Act relating to the making of claims against the rental bond applies in relation to a rental bond transferred under this section.
- (5) This section and any regulation made under this section expire 2 years after this section commences.

26 Insertion of new ch 3, pt 5, div 1, sdiv 1

Before section 207—

insert—

Subdivision 1 Fixtures and structural changes generally

206A Application of subdivision

- (1) This subdivision applies in relation to attaching a fixture, or making a structural change, to premises.
- (2) However, this subdivision does not apply if subdivision 2 applies in relation to the attachment of the fixture or the making of the structural change.

27 Insertion of new ch 3, pt 5, div 1, sdiv 2

After section 209—

insert—

Subdivision 2 Fixtures and structural changes for safety, security or accessibility

209B Attaching fixtures or making structural changes for safety, security or accessibility

A fixture may be attached, or a structural change may be made, to premises if the fixture or structural change—

- (a) is necessary for a tenant's safety, security or accessibility; and
- (b) is attached or made in the circumstances, and in accordance with any requirements, prescribed by regulation.

28 Amendment of s 245 (Injury to domestic associate)

Section 245(2) and (7), 'the tenant'—

omit, insert—

the sole tenant

29 Insertion of new ch 4, pt 1, div 1, hdg

Before section 247—

insert—

Division 1 Provider’s obligations

30 Insertion of new ch 4, pt 1, div 2, hdg

Before section 250—

insert—

Division 2 Locks and keys

31 Insertion of new ch 4, pt 1, div 3, hdg

Before section 253—

insert—

Division 3 Resident’s obligations

32 Insertion of new ch 4, pt 1, div 4, hdg and sdiv 1

Before section 254—

insert—

**Division 4 Fixtures and structural
changes**

**Subdivision 1 Fixtures and structural
changes generally**

253A Application of subdivision

- (1) This subdivision applies in relation to attaching a fixture, or making a structural change, to rental premises.
- (2) However, this subdivision does not apply if subdivision 2 applies in relation to the attachment of the fitting or the making of the structural change.

33 Insertion of new ch 4, pt 1, div 4, sdiv 2

After section 256—

insert—

Subdivision 2 Fixtures and structural changes for safety, security or accessibility

256AA Attaching fixtures or making structural changes for safety, security or accessibility

A fixture may be attached, or a structural change may be made, to rental premises if the fixture or structural change—

- (a) is necessary for a resident's safety, security or accessibility; and
- (b) is attached or made in the circumstances, and in accordance with any requirements, prescribed by regulation.

34 Amendment of s 259 (Entry after giving notice)

Section 259(1)—

insert—

- (f) to install, maintain or replace a smoke alarm.

35 Amendment of s 277 (Ending of residential tenancy agreements)

Section 277—

insert—

Note—

See also the *Body Corporate and Community Management Act 1997* for the termination of a residential tenancy agreement if a community titles scheme is terminated.

36 Insertion of new s 292

After section 291—

insert—

292 Notice to leave for end of agreed short tenancy period

- (1) This section applies in relation to a residential tenancy that is a short tenancy (moveable dwelling) for moveable dwelling premises in a moveable dwelling park.
- (2) The lessor may give a notice to leave the premises to the tenant relating to the ending of the tenant's occupation of the premises at the end of—
 - (a) the base period; or
 - (b) if a short tenancy (extension) statement has been made—the extended period.
- (3) A notice to leave under this section must be given at least 2 days before the period mentioned in subsection (2) ends.
- (4) A notice to leave under this section is called a notice to leave for *end of short tenancy (moveable dwelling)*.

37 Insertion of new s 307E

After section 307D—

insert—

307E Notice of intention to leave for end of agreed short tenancy period

- (1) This section applies in relation to a residential tenancy that is a short tenancy (moveable dwelling) for moveable dwelling premises in a moveable dwelling park.
- (2) The tenant may give a notice of intention to leave the premises to the lessor or lessor’s agent relating to the ending of the tenant’s occupation of the premises at the end of—
 - (a) the base period; or
 - (b) if a short tenancy (extension) statement has been made—the extended period.
- (3) A notice of intention to leave under this section must be given at least 1 day before the period mentioned in subsection (2) ends.
- (4) A notice of intention to leave under this section is called a notice of intention to leave for *end of short tenancy (moveable dwelling)*.

38 Amendment of s 308I (Confidentiality)

- (1) Section 308I(1), ‘evidence supporting’—

omit, insert—

relevant information in relation to

- (2) Section 308I(1)(c) and (2), ‘evidence’—

omit, insert—

relevant information

- (3) Section 308I—

insert—

(3) In this section—

relevant information, for a notice ending tenancy interest, means—

- (a) evidence supporting the notice; or
- (b) personal information about the tenant who gives the notice, including information about the tenant's intention to vacate the premises.

39 Amendment of s 326 (Notice to leave)

(1) Section 326—

insert—

(6A) Also, for a notice to leave for end of short tenancy (moveable dwelling), the handover day must be the last day of—

- (a) the base period; or
- (b) if a short tenancy (extension) statement has been made—the extended period.

(2) Section 326(6A) and (7)—

renumber as section 326(7) and (8).

40 Amendment of s 327 (Notice of intention to leave)

(1) Section 327—

insert—

(2A) Also, for a notice of intention to leave for end of short tenancy (moveable dwelling), the handover day must be the last day of—

- (a) the base period; or
- (b) if a short tenancy (extension) statement has been made—the extended period.

(2) Section 327(5), ‘Subsection (4)’—

omit, insert—

Subsection (5)

(3) Section 327(2A) to (6)—

renumber as section 327(3) to (7).

41 Amendment of s 366 (Ending of rooming accommodation agreements)

Section 366—

insert—

Note—

See also the *Body Corporate and Community Management Act 1997* for the termination of a rooming accommodation agreement if a community titles scheme is terminated.

42 Amendment of s 380C (Notice to leave if entitlement to student accommodation ends)

Section 380C, heading, ‘to leave’—

omit, insert—

terminating agreement

43 Amendment of s 381I (Confidentiality)

(1) Section 381I(1), ‘evidence supporting’—

omit, insert—

relevant information in relation to

(2) Section 381I(1)(c) and (2), ‘evidence’—

omit, insert—

relevant information

(3) Section 381I—

insert—

(3) In this section—

relevant information, for a notice ending residency interest, means—

- (a) evidence supporting the notice; or
- (b) personal information about the resident who gives the notice, including information about the resident's intention to leave the rental premises.

44 Amendment of s 393 (Item other than personal document or money)

(1) Section 393—

insert—

(3A) Without limiting subsection (3)(a), reasonable efforts to contact the former resident include the following—

- (a) attempting to contact the former resident by telephone, including text message, email or private message on a social media platform;
- (b) attempting to contact an emergency contact listed in the rooming accommodation agreement;
- (c) publishing a notice in an online newspaper for the city or State in which the former resident is or was residing.

(2) Section 393(4)(b)—

omit, insert—

- (b) sell or dispose of the property.

(3) Section 393(5), 'subsection (4)(b)'—

omit, insert—

subsection (5)(b)

- (4) Section 393(3A) to (7)—
renumber as section 393(4) to (8).

45 Insertion of new s 519A

After section 519—

insert—

519A Code of conduct

- (1) A regulation may prescribe a code of conduct.
- (2) A provision of a code of conduct is a **conduct provision**.
- (3) A conduct provision may apply to the conduct of agents, lessors, providers, tenants or residents.
- (4) A conduct provision must not be inconsistent with a provision of—
 - (a) the *Agents Financial Administration Act 2014*; or
 - (b) the *Property Occupations Act 2014*.
- (5) Despite section 520(2)(b), a regulation may impose a penalty of not more than 50 penalty units for contravention of a conduct provision.

46 Amendment of s 527A (Definitions for ch 13A)

Section 527A, definition *replacement lessor*, second occurrence—

omit.

47 Insertion of new ch 14, pt 8

Chapter 14—

insert—

Part 8

Transitional provisions for Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024

Division 1

Preliminary

577 Definitions for part

In this part—

amending Act means the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024*.

former, for a provision of this Act, means the provision as in force immediately before the commencement of the provision in which the term is used.

new, for a provision of this Act, means the provision as in force from the commencement of the provision in which the term is used.

Division 2

Provisions commencing on assent

578 Existing agreements not required to include date of last rent increase

- (1) Despite new section 61(2)(c), a written agreement for a residential tenancy agreement entered into before the commencement is not required to

include the day the rent was last increased for the residential premises.

- (2) Despite new section 77(2)(c), a written agreement for a rooming accommodation agreement entered into before the commencement is not required to include the day the rent was last increased for the rental premises.

579 Rent increases before the commencement relevant to working out 12-month period—s 93

For working out the 12-month period under new section 93(1), a reference in new section 93 to a rent increase for the residential premises includes a reference to an increase that happened before the commencement.

579A Requirement for lessor to give evidence of rent increase if premises purchased within 12 months of commencement

- (1) This section applies if—
 - (a) premises the subject of a residential tenancy agreement are purchased by the lessor within 12 months after the commencement; and
 - (b) the lessor does not hold information about the day of the last rent increase for the premises.
- (2) New section 93A(2) does not apply to the lessor or lessor's agent in relation to the premises.
- (3) For subsection (1)(b), the lessor holds information if the lessor, or an agent of the lessor, is in possession or control of the information.

579B Requirement for provider to give evidence of rent increase if rental premises purchased within 12 months of commencement

- (1) This section applies if—
 - (a) rental premises the subject of a rooming accommodation agreement are purchased by the provider within 12 months after the commencement; and
 - (b) the provider does not hold information about the day of the last rent increase for the resident’s room.
- (2) New section 105C(2) does not apply to the provider or provider’s agent in relation to the resident’s room.
- (3) For subsection (1)(b), the provider holds information if the provider, or an agent of the provider, is in possession or control of the information.

580 Rent increases before the commencement relevant to working out 12-month period—s 105B

For working out the 12-month period under new section 105B(1), a reference in new section 105B to a rent increase for the resident’s room includes a reference to an increase that happened before the commencement.

581 Payment of rental bond after dispute resolution process and application dismissed by tribunal

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

- (a) the authority received an application for payment of a rental bond under section 125; and
 - (b) under chapter 2, part 3, division 3, subdivision 2, 3 or 3A, there were 1 or more interested persons for the payment directed to be made under the application; and
 - (c) 1 or more dispute resolution requests were made about the payment under section 136A; and
 - (d) the conciliation process for each dispute resolution request ended without a conciliated resolution; and
 - (e) 1 or more of the interested persons, given notice about the ending of the conciliation process, applied to the tribunal for an order about the payment under section 136B but all of the applications were dismissed; and
 - (f) the rental bond had not been paid.
- (2) New section 136E applies in relation to the payment of the rental bond.

48 Amendment of sch 1 (Notice periods)

- (1) Schedule 1, part 1, division 3, table—

insert—

notice to leave for end of short tenancy (moveable dwelling) (s 292)	2 days after the notice is given to the tenant
--	--

- (2) Schedule 1, part 2, division 3, table—

insert—

notice of intention to leave for end of short tenancy (moveable dwelling) (s 307E)	1 day after the notice is given to the lessor
--	---

49 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *rental bond supplier* and *replacement lessor* both occurrences—

omit.

- (2) Schedule 2—

insert—

end of short tenancy (moveable dwelling)—

(a) for a notice to leave, see section 292(4); or

(b) for a notice of intention to leave, see section 307E(4).

exempt lessor see section 82A.

exempt provider see section 97A.

extended period see section 48(1).

replacement lessor see section 527A.

- (3) Schedule 2, definition *personal information*, ‘, for chapter 9,’—

omit.

Division 3 Amendments commencing by proclamation

50 Insertion of new ss 57B–57D

After section 57A—

insert—

57B Application for residential tenancy

- (1) This section applies if a lessor or lessor's agent requires a prospective tenant to apply for a residential tenancy.
- (2) However, this section does not apply to a relevant lessor or an agent of a relevant lessor.
- (3) The lessor or lessor's agent must require the prospective tenant to apply for the residential tenancy using the required application form.

Maximum penalty—20 penalty units.

- (4) For subsection (3), the *required application form* is an approved form that requires only the following information—
 - (a) the name and contact details of the prospective tenant;
 - (b) details of any previous residential tenancy agreements or rooming accommodation agreements the prospective tenant has been a party to;
 - (c) the prospective tenant's current employment;
 - (d) details about the prospective tenant's income;
 - (e) referees for the prospective tenant;
 - (f) the intended term of the tenancy;
 - (g) any other information prescribed by regulation.

- (5) The lessor or lessor's agent must nominate at least 2 ways for the prospective tenant to submit the application.

Maximum penalty—20 penalty units.

- (6) For subsection (5), at least 1 of the nominated ways must be a way that is not a restricted way.

(7) In this section—

relevant lessor means—

- (a) a lessor who receives funding for the premises under the *Housing Act 2003*, including, for example, funding for the provision of social housing services; or
- (b) a lessor who receives funding for the premises that is the subject of a funding declaration under the *Community Services Act 2007*; or
- (c) a lessor who is the chief executive of the housing department, acting on behalf of the State; or
- (d) a lessor who is the State, if the tenant is an officer or employee of the State; or
- (e) a lessor who is the replacement lessor under a community housing provider tenancy agreement; or
- (f) a lessor prescribed by regulation to be a relevant lessor.

restricted way, for submitting an application, means—

- (a) a way that involves a prospective tenant using an online platform to give personal information to a person, other than the lessor, who—
 - (i) collects the information on behalf of the lessor; and
 - (ii) is not a real estate agent; or
- (b) a way prescribed by regulation to be a restricted way.

57C Request for information for application

- (1) A lessor or lessor's agent may request information about a prospective tenant only if—
 - (a) the information is of a type mentioned in section 57B(4); or
 - (b) the information comprises no more than 2 documents in each of the following categories—
 - (i) documents verifying the identity of the prospective tenant;
 - (ii) documents about the prospective tenant's financial ability to pay rent;
 - (iii) documents about the suitability of the prospective tenant for the residential tenancy.

Maximum penalty—20 penalty units.

- (2) However, a lessor or lessor's agent must not request information about a prospective tenant in relation to the following—
 - (a) legal action taken by the prospective tenant, including dispute resolution or matters considered by the tribunal;
 - (b) a notice to remedy breach given to the prospective tenant by a lessor or provider;
 - (c) a notice to remedy breach given by the prospective tenant to a lessor or provider;
 - (d) the prospective tenant's history in relation to rental bonds, including any claim on a rental bond;
 - (e) statements of credit accounts or bank accounts belonging to the prospective tenant detailing transactions.

Maximum penalty—20 penalty units.

57D Verification of identity for application

- (1) A prospective tenant may give identity documents to a lessor or lessor's agent to verify the prospective tenant's identity by—
 - (a) giving a copy of the original identity document; or
 - (b) allowing the lessor or lessor's agent to access or sight the original identity document.
- (2) If a document is accessed or sighted by the lessor or lessor's agent under subsection (1)(b), the lessor or lessor's agent must not keep a copy of the original identity document without the prospective tenant's consent.

Maximum penalty—20 penalty units.

51 Insertion of new ss 76C–76E

After section 76B—

insert—

76C Application for rooming accommodation

- (1) This section applies if a provider or provider's agent requires a prospective resident to apply for rooming accommodation.
- (2) The provider or provider's agent must require the prospective resident to apply for the rooming accommodation using the required application form.

Maximum penalty—20 penalty units.

- (3) For subsection (2), the ***required application form*** is an approved form that requires only the following information—
 - (a) the name and contact details of the prospective resident;

- (b) details of any previous residential tenancy agreements or rooming accommodation agreements the prospective resident has been a party to;
 - (c) the prospective resident's current employment;
 - (d) details about the prospective resident's income;
 - (e) referees for the prospective resident;
 - (f) the intended term of the residency interest;
 - (g) any other information prescribed by regulation.
- (4) The provider or provider's agent must nominate at least 2 ways for the prospective resident to submit the application.

Maximum penalty—20 penalty units.

- (5) For subsection (4), at least 1 of the nominated ways must be a way that is not a restricted way.
- (6) In this section—
- restricted way***, for submitting an application, means—
- (a) a way that involves a prospective resident using an online platform to give personal information to a person, other than the provider, who—
 - (i) collects the information on behalf of the provider; and
 - (ii) is not a real estate agent; or
 - (b) a way prescribed by regulation to be a restricted way.

76D Request for information for application

- (1) A provider or provider's agent may request information about a prospective resident only if—
 - (a) the information is of a type mentioned in section 76C(3); or
 - (b) the information comprises no more than 2 documents in each of the following categories—
 - (i) documents verifying the identity of the prospective resident;
 - (ii) documents about the prospective resident's financial ability to pay rent;
 - (iii) documents about the suitability of the prospective resident for the rooming accommodation.

Maximum penalty—20 penalty units.

- (2) However, a provider or provider's agent must not request information about a prospective resident in relation to the following—
 - (a) legal action taken by the prospective resident, including dispute resolution or matters considered by the tribunal;
 - (b) a notice to remedy breach given to the prospective resident by a lessor or provider;
 - (c) a notice to remedy breach given by the prospective resident to a lessor or provider;
 - (d) the prospective resident's history in relation to rental bonds, including any claim on a rental bond;
 - (e) statements of credit accounts or bank accounts belonging to the prospective resident detailing transactions.

Maximum penalty—20 penalty units.

76E Verification of identity for application

- (1) A prospective resident may give identity documents to a provider or provider's agent to verify the prospective resident's identity by—
 - (a) giving a copy of the original identity document; or
 - (b) allowing the provider or provider's agent to access or sight the original identity document.
- (2) If a document is accessed or sighted by the provider or provider's agent under subsection (1)(b), the provider or provider's agent must not keep a copy of the original identity document without the prospective resident's consent.

Maximum penalty—20 penalty units.

52 Replacement of ss 83 and 84

Sections 83 and 84—

omit, insert—

83 How rent is to be paid

- (1) A tenant must pay the rent in a way stated in the residential tenancy agreement.
- (2) The lessor or lessor's agent must ensure—
 - (a) the residential tenancy agreement states at least 2 ways for the tenant to pay the rent; and
 - (b) at least 1 of the ways for the tenant to pay rent stated in the agreement—
 - (i) does not incur any cost to the tenant in addition to bank fees or other account fees usually payable for the tenant's transactions; and
 - (ii) is reasonably available to the tenant.

- (3) This section applies subject to sections 84 and 84A.

84 Changes to way rent to be paid by agreement

- (1) This section applies if, after signing a residential tenancy agreement—
- (a) the lessor or tenant gives the other party a written notice changing 1 or more of the ways in which rent is to be paid under the agreement; and
 - (b) the other party agrees in writing (the *rent agreement*) to payments of rent being made in the stated way.
- (2) While the rent agreement remains in effect, the stated way under the rent agreement applies despite the residential tenancy agreement.

84A Changes to way rent to be paid—no agreement

- (1) This section applies if, after signing a residential tenancy agreement, the lessor or lessor's agent intends to change the way the tenant is required to pay the rent under the agreement, other than by agreement under section 84.
- (2) The lessor or lessor's agent must give the tenant a written notice stating a choice of at least 2 other ways for the payment of rent, including a way that—
- (a) does not incur any cost to the tenant in addition to bank fees or other account fees usually payable for the tenant's transactions; and
 - (b) is reasonably available to the tenant.
- (3) From the day that is 14 days after the tenant is given the notice, the tenant must pay the rent in a

way stated in the notice.

84B Tenant must be advised about associated costs and benefits

- (1) A lessor or lessor's agent must comply with subsection (2) and (3) before—
 - (a) a tenant enters into a residential tenancy agreement; or
 - (b) a tenant enters into a rent agreement under section 84; or
 - (c) a notice is given to the tenant under section 84A.
- (2) The lessor or lessor's agent must give the tenant a written notice advising the tenant of the costs that are associated with the ways to pay rent offered to the tenant if—
 - (a) the tenant would not reasonably be aware of the costs; and
 - (b) the lessor or lessor's agent knows or could reasonably be expected to find out about the costs.

Maximum penalty—40 penalty units.

- (3) Also, the lessor or lessor's agent must declare any financial benefit the lessor or lessor's agent may receive if the tenant uses a particular way to pay rent.

Maximum penalty—20 penalty units.

53 Replacement of ss 98 and 99

Sections 98 and 99—

omit, insert—

98 How rent is to be paid

- (1) A resident must pay the rent in a way stated in the rooming accommodation agreement.
- (2) The provider or provider's agent must ensure—
 - (a) the rooming accommodation agreement states at least 2 ways for the resident to pay the rent; and
 - (b) at least 1 of the ways for the resident to pay rent stated in the agreement—
 - (i) does not incur any cost to the resident in addition to bank fees or other account fees usually payable for the resident's transactions; and
 - (ii) is reasonably available to the resident.
- (3) This section applies subject to sections 99 and 99A.

99 Changes to way rent to be paid by agreement

- (1) This section applies if, after signing a rooming accommodation agreement—
 - (a) the provider or resident gives the other party a written notice changing 1 or more of the ways in which rent is to be paid under the agreement; and
 - (b) the other party agrees in writing (the *rent agreement*) to payments of rent being made in the stated way.
- (2) While the rent agreement remains in effect, the stated way under the rent agreement applies despite the rooming accommodation agreement.

99A Changes to way rent to be paid—no agreement

- (1) This section applies if, after signing a rooming

accommodation agreement, the provider or provider's agent intends to change the way the resident is required to pay the rent under the agreement, other than by agreement under section 99.

- (2) The provider or provider's agent must give the resident a written notice stating a choice of at least 2 other ways for the payment of rent, including a way that—
 - (a) does not incur any cost to the resident in addition to bank fees or other account fees usually payable for the resident's transactions; and
 - (b) is reasonably available to the resident.
- (3) From the day that is 14 days after the resident is given the notice, the resident must pay the rent in a way stated in the notice.

99B Resident must be advised about associated costs and benefits

- (1) A provider or provider's agent must comply with subsections (2) and (3) before—
 - (a) a resident enters into a rooming accommodation agreement; or
 - (b) a resident enters into a rent agreement under section 99; or
 - (c) a notice is given to the resident under section 99A.
- (2) The provider or provider's agent must give the resident a written notice advising the resident of the costs that are associated with the ways to pay rent offered to the resident if—
 - (a) the resident would not reasonably be aware of the costs; and

- (b) the provider or provider's agent knows or could reasonably be expected to find out about the costs.

Maximum penalty—40 penalty units.

- (3) Also, the provider or provider's agent must declare any financial benefit the provider or provider's agent may receive if the resident uses a particular way to pay rent.

Maximum penalty—20 penalty units.

54 Insertion of new s 136AA

After section 136A—

insert—

136AA Evidence of claim on rental bond to be given to tenant or resident

- (1) This section applies if—
 - (a) the authority receives an application for payment of a rental bond under section 125 and the application directs that a payment be made to the lessor or provider; or
 - (b) an interested person who is a lessor or provider makes a dispute resolution request to the authority about the payment of a rental bond.
- (2) The lessor or provider must, within the period mentioned in subsection (3), give the tenant or resident evidence supporting—
 - (a) the claim on all or part of the rental bond; or
 - (b) the dispute resolution request about the payment of all or part of the rental bond.

Maximum penalty—20 penalty units.

Examples of evidence—

receipts, quotes to repair damage, records of unpaid rent

- (3) For subsection (2), the period is 14 days after the day the application or dispute resolution request is made.
- (4) Subsection (2) does not apply if the lessor, lessor's agent, provider or provider's agent has been unable to contact the tenant or resident after making reasonable efforts.
- (5) Without limiting subsection (4), reasonable efforts to contact the tenant or resident include the following—
 - (a) attempting to contact the tenant or resident by telephone, including text message, email or private message on a social media platform;
 - (b) attempting to contact an emergency contact listed in the agreement.
- (6) Section 525(2) and (3) applies as if—
 - (a) this section were a provision of this Act that requires the provider to give a notice to the resident; and
 - (b) a reference in section 525(2) or (3) to a notice were a reference to the evidence mentioned in subsection (2).

55 Amendment of s 146 (Payments above maximum amount)

Section 146(3) and (4)—

omit.

56 Amendment of s 165 (General service charges for premises other than moveable dwelling premises)

Section 165—

insert—

- (4) If the tenant is required to pay an amount for

outgoings to which subsection (3)(b)(ii) applies, the lessor must give the tenant a copy of a document issued by the relevant supply authority showing the amount charged by the authority for the thing, service or facility.

- (5) The lessor must comply with subsection (4) within 4 weeks after the lessor receives the document.
- (6) Despite subsection (3), the tenant is not required to pay an amount for outgoings to which subsection (3)(b)(ii) applies if the tenant has not received the document mentioned in subsection (4).

57 Amendment of s 166 (Water service charges for premises other than moveable dwelling premises)

(1) Section 166—

insert—

- (6A) If the tenant is required to pay an amount for water consumption charges, the lessor must give the tenant a copy of a document issued by the relevant water supplier showing the amount of the water consumption charges payable to the supplier.
- (6B) The lessor must comply with subsection (7) within 4 weeks after the lessor receives the document.
- (6C) Despite subsections (2) to (5), the tenant is not required to pay an amount for water consumption charges if the tenant has not received the document mentioned in subsection (7).

(1A) Section 166—

insert—

- (8A) This section applies subject to section 166A.

(2) Section 166(6A) to (9)—

renumber as section 166(7) to (13).

57A Insertion of new s 166A

After section 166—

insert—

166A Water service charges for premises other than moveable dwelling premises—charge for partial billing period

- (1) This section applies if—
- (a) under section 166, a tenant would otherwise be required to pay an amount for water consumption charges for the premises for a period; and
 - (b) the premises are individually metered for the supply of water; and
 - (c) the premises are water efficient for the purposes of section 166 during the period; and
 - (d) the period includes part, but not all, of a period (the *partial billing period*) specified, or to be specified, in a water consumption charges document.

Examples—

- The agreement takes effect on 1 February, part-way through the period of 1 January to 31 March specified in a water consumption charges document. The partial billing period is 1 February to 31 March.
 - The agreement terminates on 1 November, part-way through the period of 1 October to 31 December specified in a water consumption charges document. The partial billing period is 1 October to 1 November.
- (2) The tenant may not be required to pay an amount for water consumption charges for the premises for the partial billing period unless—

- (a) a meter reading for the premises is taken at the following time and recorded in a condition report under section 65 or 66—
 - (i) if the partial billing period starts when the agreement takes effect—when the agreement takes effect;
 - (ii) if the partial billing period ends when the agreement is terminated—when the tenant hands over vacant possession of the premises; and
- (b) the amount is calculated based on—
 - (i) a reasonable estimate of the volume of water supplied to the premises during the partial billing period having regard to the meter reading mentioned in paragraph (a); and
 - (ii) the rate used to calculate the water consumption charge stated in the most recent water consumption charges document.
- (3) Section 166(6) to (9) does not apply in relation to the water consumption charges document that includes the partial billing period.
- (4) In this section—

water consumption charge see section 166(13).

water consumption charges document means a document, issued to the lessor by the relevant water supplier, stating the amount of water consumption charges for the premises that are payable to the supplier.

58 Amendment of s 167 (Service charges for moveable dwelling premises individually metered)

Section 167—

insert—

- (4) If the tenant is required to pay an amount for outgoings to which subsection (3)(b) applies, the lessor must give the tenant a copy of a document issued by the relevant supply authority showing the amount charged by the authority for the thing, service or facility.
- (5) The lessor must comply with subsection (4) within 4 weeks after the lessor receives the document.
- (6) Despite subsection (2), the tenant is not required to pay an amount for the outgoings to which subsection (3)(b) applies if the tenant has not received the document mentioned in subsection (4).

59 Amendment of s 170 (Charge for utility service)

- (1) Section 170—

insert—

- (2A) If the rooming accommodation agreement requires the resident to pay an amount for a utility service, the provider must give the resident a copy of a document issued by the supplying entity showing the amount charged by the entity for the utility service.
- (2B) The provider must comply with subsection (3) within 4 weeks after the provider receives the document.
- (2C) Despite subsection (2), the resident is not required to pay an amount for the utility service if the resident has not received the document mentioned in subsection (3).

- (2) Section 170(2A) to (3)—

renumber as section 170(3) to (6).

60 Amendment of s 173 (Certain terms about penalties and other payments void)

Section 173(2), ‘reasonable’—

omit.

61 Amendment of s 178 (Certain terms about penalties and other payments void)

Section 178(2), ‘reasonable’—

omit.

62 Amendment of s 193 (Notice of entry)

(1) Section 193(1)(c)(ii), ‘24 hours’—

omit, insert—

48 hours

(2) Section 193(1)(c)(ii), example, ‘Wednesday’—

omit, insert—

Thursday

63 Insertion of new s 195A

After section 195—

insert—

195A When lessor or lessor’s agent may enter—notice to leave or notice of intention to leave given

(1) This section applies if—

(a) a notice to leave the premises has been given by the lessor to the tenant; or

(b) a notice of intention to leave the premises has been given by the tenant to the lessor.

(2) The lessor or lessor’s agent must not enter the

premises more than twice in a 7-day period.

- (3) However, subsection (2) does not prevent the lessor or lessor's agent from entering the premises under section 192(1)(d), (e) or (j) to (l).

64 Replacement of ss 207–209

Sections 207 to 209—

omit, insert—

207 Process for approval to attach fixtures or make structural changes—body corporate approval

- (1) This section applies to premises that are part of a body corporate scheme if a body corporate law or a body corporate by-law requires approval of the body corporate for the attachment of a fixture, or the making of a structural change, to the premises.
- (2) A tenant may give the lessor a request, in the approved form, for approval to attach a fixture, or make a structural change, to the premises.
- (3) The lessor must—
 - (a) decide the tenant's request within 28 days after receiving the request; and
 - (b) advise the tenant of the lessor's decision; and
 - (c) if the lessor approves the request—state that the lessor's approval is subject to agreement by the body corporate.
- (4) If the lessor approves the request, the lessor must give the request to the body corporate within 28 days after receiving the request.
- (5) The lessor must advise the tenant as soon as reasonably practicable of the body corporate's decision about the request.
- (6) If the lessor and body corporate agree to the

request, the tenant may attach the fixture, or make the structural change, to the premises—

- (a) in accordance with the lessor’s agreement; and
- (b) subject to any conditions of the agreement given by the lessor or body corporate.

Note—

For the lessor’s approval and conditions, see also section 209.

208 Process for approval to attach fixtures and make structural changes—lessor approval

- (1) This section applies if section 207 does not apply in relation to the attaching of a fixture, or the making of a structural change, to premises.
- (2) The tenant may give the lessor a request, in the approved form, for approval to attach a fixture, or make a structural change, to the premises.
- (3) The lessor—
 - (a) must decide the tenant’s request within—
 - (i) 28 days after receiving the request; or
 - (ii) if agreed to by the tenant and lessor—a longer period; and
 - (b) may either agree, or refuse to agree, to the request; and
 - (c) if the request is agreed to—may give the agreement subject to conditions.

Note—

See also section 209 in relation to the lessor’s agreement.

- (4) The lessor must not act unreasonably in refusing the request.
- (5) The tenant may attach the fixture, or make the

structural change, to the premises in accordance with the lessor's agreement.

Note—

See also section 209A.

- (6) Also, the tenant may attach the fixture or make the structural change in accordance with an order of a tribunal.

Note—

See subdivision 3 for an order by a tribunal about attaching fixtures, or making structural changes, to premises.

209 Agreement about fixtures and structural changes

- (1) For sections 207 and 208, a lessor's agreement in relation to attaching a fixture, or making a structural change, to premises must—
- (a) be in writing; and
 - (b) describe the nature of the fixture or structural change; and
 - (c) state any conditions of the agreement.
- (2) For an agreement about attaching a fixture to premises, the conditions may include terms about—
- (a) maintenance obligations if the fixture is attached by the tenant; and
 - (b) whether the tenant may remove the fixture; and
 - (c) if removal of the fixture by the tenant is allowed—
 - (i) when and how the removal may be performed; and

- (ii) that the tenant is obliged to repair any damage caused to the premises in removing the fixture or to compensate the lessor for the lessor's reasonable costs of repairing the damage; and
- (d) if removal of the fixture by the tenant is not allowed—that the lessor is obliged to compensate the tenant for any improvement the fixture makes to the premises.

209A Attaching fixture or making structural change without lessor's agreement

- (1) This section applies if—
 - (a) a tenant attaches a fixture, or makes a structural change, to premises; and
 - (b) under section 208, the lessor's agreement to the attachment of the fixture, or the making of the structural change, is required; and
 - (c) the tenant does not attach the fixture, or make the structural change, in accordance with the lessor's agreement.
- (2) The lessor may—
 - (a) waive the breach; and
 - (b) treat the fixture or structural change as an improvement to the premises for the lessor's benefit.
- (3) The lessor may take the action under subsection (2) instead of taking action for a breach of a term of the residential tenancy agreement by the tenant.

65 Insertion of new ch 3, pt 5, div 1, sdiv 3

Chapter 3, part 5, division 1—

insert—

Subdivision 3 Tribunal orders about fixtures and structural changes

209C Tribunal order about attaching fixtures or making structural changes

- (1) This section applies if—
 - (a) a tenant makes a request to attach a fixture, or make a structural change, to premises under subdivision 1 or 2; and
 - (b) the request is refused.
- (2) The tenant may apply to the tribunal for an order about the attachment of the fixture, or the making of the structural change, to the premises.
- (3) The tribunal may make any order about the attachment of the fixture or making of the structural change that the tribunal considers appropriate.
- (4) In deciding the application, the tribunal may have regard to the following—
 - (a) the potential for the proposed fixture or structural change to improve the safety, security and accessibility of the premises for the tenant;
 - (b) the likelihood that the proposed fixture or structural change can be removed at the end of the tenancy or that the premises can be restored to the condition the premises were in at the beginning of the tenancy;
 - (c) whether the proposed fixture or structural change would add value to the premises and whether the lessor may treat the fixture or structural change as an improvement to the premises;

- (d) whether building approvals are required for the proposed fixture or structural change;
- (e) whether the proposed fixture or structural change would need to be installed by a qualified tradesperson;
- (f) if the premises are part of a body corporate scheme—whether body corporate approval is required for the fixture to be attached or for the structural change to be made;
- (g) for a proposed structural change—the extent to which the proposed structural change will modify the premises;
- (h) any other matter the tribunal considers relevant.

66 Amendment of s 211 (Changing locks)

Section 211(6)—

omit.

67 Replacement of ss 254–256

Sections 254 to 256—

omit, insert—

254 Process for approval to attach fixtures or make structural changes—body corporate approval

- (1) This section applies to rental premises that are part of a body corporate scheme if a body corporate law or a body corporate by-law requires approval of the body corporate for the attachment of a fixture, or the making of a structural change, to the premises.
- (2) The resident may give the provider a request, in the approved form, for approval to attach a fixture, or make a structural change, to the rental

premises.

- (3) The provider must—
 - (a) decide the resident's request within 28 days after receiving the request; and
 - (b) advise the resident of the provider's decision; and
 - (c) if the provider approves the request—state that the provider's approval is subject to agreement by the body corporate.
- (4) If the provider approves the request, the provider must give the request to the body corporate within 28 days after receiving the request.
- (5) The provider must advise the resident as soon as reasonably practicable of the body corporate's decision about the request.
- (6) If the provider and the body corporate agree to the request, the resident may attach the fixture, or make the structural change, to the premises—
 - (a) in accordance with the provider's agreement; and
 - (b) subject to any conditions of the agreement given by the provider or body corporate.

Note—

For the provider's approval and conditions, see also section 255A.

255 Process for approval to attach fixtures and make structural changes—provider approval

- (1) This section applies if section 254 does not apply in relation to the attaching of a fixture, or the making of a structural change, to premises.
- (2) The resident may give the provider a request, in the approved form, for approval to attach a fixture, or make a structural change, to the rental

premises.

- (3) The provider—
 - (a) must decide the resident's request within—
 - (i) 28 days after receiving the request; or
 - (ii) if agreed to by the resident and provider—a longer period; and
 - (b) may either agree, or refuse to agree, to the request; and
 - (c) if the request is agreed to—may give the agreement subject to conditions.

Note—

See also section 255A in relation to the provider's agreement.

- (4) The provider must not act unreasonably in refusing the request.
- (5) The resident may attach the fixture, or make the structural change, to the rental premises in accordance with the provider's agreement.

Note—

See also section 256.

- (6) Also, the resident may attach the fixture or make the structural change in accordance with an order of a tribunal.

Note—

See subdivision 3 for an order by a tribunal about attaching fixtures, or making structural changes, to rental premises.

255A Agreement about fixtures and structural changes

- (1) For sections 254 and 255, a provider's agreement in relation to attaching a fixture, or making a structural change, to rental premises must—

- (a) be in writing; and
 - (b) describe the nature of the fixture or structural change; and
 - (c) state any conditions of the agreement.
- (2) For an agreement about attaching a fixture to premises, the conditions may include terms about—
- (a) maintenance obligations if the fixture is attached by the resident; and
 - (b) whether the resident may remove the fixture; and
 - (c) if removal of the fixture by the resident is allowed—
 - (i) when and how the removal may be performed; and
 - (ii) that the resident is obliged to repair any damage caused to the rental premises in removing the fixture or to compensate the provider for the provider's reasonable costs of repairing the damage; and
 - (d) if removal of the fixture by the resident is not allowed—that the provider is obliged to compensate the resident for any improvement the fixture makes to the rental premises.

256 Attaching fixture or making structural change without provider's agreement

- (1) This section applies if—
- (a) a resident attaches a fixture, or makes a structural change, to rental premises; and
 - (b) under section 255, the provider's agreement to the attachment of the fixture, or the

making of the structural change, is required;
and

- (c) the resident does not attach the fixture, or make the structural change, in accordance with the provider's agreement.
- (2) The provider may—
- (a) waive the breach; and
 - (b) treat the fixture or structural change as an improvement to the rental premises for the provider's benefit.
- (3) The provider may take the action under subsection (2) instead of taking action for a breach of a term of the rooming accommodation agreement by the resident.

68 Insertion of new ch 4, pt 1, div 4, sdiv 3

Chapter 4, part 1, division 4, as inserted by this Act—

insert—

Subdivision 3 Tribunal orders about fixtures and structural changes

256AB Tribunal order about attaching fixtures or making structural changes

- (1) This section applies if—
- (a) a resident makes a request to attach a fixture, or make a structural change, to rental premises under subdivision 1 or 2; and
 - (b) the request is refused.
- (2) The resident may apply to the tribunal for an order about the attachment of the fixture, or the making

of the structural change, to the rental premises.

- (3) The tribunal may make any order about the attachment of the fixture or the making of the structural change that the tribunal considers appropriate.
- (4) In deciding the application, the tribunal may have regard to the following—
 - (a) the potential for the proposed fixture or structural change to improve the safety, security and accessibility of the rental premises for the resident;
 - (b) the likelihood that the proposed fixture or structural change can be removed at the end of the agreement or that the rental premises can be restored to the condition the rental premises were in at the beginning of the agreement;
 - (c) whether the proposed fixture or structural change would add value to the rental premises and whether the provider may treat the fixture or structural change as an improvement to the rental premises;
 - (d) whether building approvals are required for the proposed fixture or structural change;
 - (e) whether the proposed fixture or structural change would need to be installed by a qualified tradesperson;
 - (f) if the rental premises are part of a body corporate scheme—whether body corporate approval is required for the fixture to be attached or for the structural change to be made;
 - (g) for a proposed structural change—the extent to which the proposed structural change will modify the rental premises;

- (h) any other matter the tribunal considers relevant.

69 Amendment of s 259 (Entry after giving notice)

- (1) Section 259(2)—

omit, insert—

- (2) The provider must give a written notice of the proposed entry to the resident—
 - (a) for an entry under subsection (1)(a)—at least 24 hours before the entry; or
 - (b) otherwise—at least 48 hours before the entry.

- (2) Section 259(4)—

omit, insert—

- (4) The provider or selling agent must also give a written notice of the proposed entry to the agent to whom the resident normally pays the rent—
 - (a) for an entry under subsection (1)(a)—at least 24 hours before the entry; or
 - (b) otherwise—at least 48 hours before the entry.

- (3) Section 259(5)(c), ‘24 hours’—

omit, insert—

48 hours

70 Insertion of new s 259A

After section 259—

insert—

259A When provider or provider’s agent may enter—notice to leave or notice of intention to leave given

- (1) This section applies if—
 - (a) a provider gives a resident a notice under chapter 5, part 2 requiring the resident to leave the rental premises; or
 - (b) a provider or a resident gives a notice under chapter 5, part 2 terminating a rooming accommodation agreement on a stated day.
- (2) The provider or provider’s agent must not enter the resident’s room more than twice in a 7-day period, unless the resident agrees.
- (3) However, subsection (2) does not prevent the provider or provider’s agent from entering the resident’s room under section 257 or 260.

71 Amendment of s 262 (Entry by provider’s agent or other person)

Section 262(1), after ‘259(1) and (2),’—

insert—

259A,

72 Amendment of s 357A (Reletting costs)

- (1) Section 357A(1), ‘pay the reasonable’—

omit, insert—

pay the

- (3) Section 357A(1)(c), ‘reasonable costs incurred by the lessor in reletting the premises’—

omit, insert—

reletting costs under this section

- (4) Section 357A(2), ‘reletting costs’—

omit, insert—

the costs incurred by the lessor in reletting the premises

- (5) Section 357A(2)(b), ‘chapter 5,’—

omit.

- (6) Section 357A—

insert—

- (3) The **reletting costs** payable by the tenant under this section in relation to a fixed term agreement are—

- (a) for a fixed term of not more than 3 years, the lesser of—

(i) the amount of the reletting costs mentioned in subsection (4); or

(ii) an amount equal to the rent payable for the period between the tenant handing over vacant possession of the premises and the day a new agreement commences after the premises are relet; or

- (b) for a fixed term of more than 3 years, the lesser of—

(i) an amount equal to 1 month’s rent for each 12-month period remaining of the term of the agreement, up to a maximum amount equal to 6 months rent; or

(ii) an amount equal to the rent that would be payable for the period between the tenant handing over vacant possession of the premises and the day a new agreement commences after the premises are relet.

- (4) For subsection (3)(a)(i), the amount of the

reletting costs is—

- (a) if less than 25% of the fixed term had expired when the tenant handed over vacant possession of the premises—the amount equal to 4 weeks rent; or
- (b) if 25% or more but less than 50% of the fixed term had expired when the tenant handed over vacant possession of the premises—the amount equal to 3 weeks rent; or
- (c) if 50% or more but less than 75% of the fixed term had expired when the tenant handed over vacant possession of the premises—the amount equal to 2 weeks rent; or
- (d) if 75% or more of the fixed term had expired when the tenant handed over vacant possession of the premises—the amount equal to 1 week’s rent.

73 Amendment of s 396A (Reletting costs)

- (1) Section 396A(1), ‘reasonable costs incurred by the provider in reletting the resident’s room (*reletting costs*)’—

omit, insert—

costs incurred by the provider in reletting the resident’s room

- (3) Section 396A(1)(c), ‘reasonable costs incurred by the provider in reletting the resident’s room’—

omit, insert—

the reletting costs under this section

- (4) Section 396A(2), ‘reletting costs’—

omit, insert—

the costs incurred by the provider in reletting the

premises

(5) Section 396A(2)(b), ‘chapter 5,’—

omit.

(6) Section 396A—

insert—

(3) The **reletting costs** payable by the resident under this section in relation to a fixed term agreement are—

(a) for a fixed term of not more than 3 years, the lesser of—

(i) the amount of the reletting costs mentioned in subsection (4); or

(ii) an amount equal to the rent payable for the period between the resident leaving the rental premises and the day a new agreement commences after the rental premises are relet; or

(b) for a fixed term of more than 3 years, the lesser of—

(i) an amount equal to 1 month’s rent for each 12-month period remaining of the term of the agreement, up to a maximum amount equal to 6 months rent; or

(ii) an amount equal to the rent payable for the period between the resident leaving the rental premises and the day a new agreement commences after the rental premises are relet.

(4) For subsection (3)(a)(i), the amount of the reletting costs is—

(a) if less than 25% of the fixed term had expired when the resident left the rental

premises—the amount equal to 4 weeks rent; or

- (b) if 25% or more but less than 50% of the fixed term had expired when the resident left the rental premises—the amount equal to 3 weeks rent; or
- (c) if 50% or more but less than 75% of the fixed term had expired when the resident left the rental premises—the amount equal to 2 weeks rent; or
- (d) if 75% or more of the fixed term had expired when the resident left the rental premises—the amount equal to 1 week's rent.

74 Amendment of s 415 (Meaning of *urgent application*)

Section 415(6), after 'chapter 9'—

insert—

, part 3

75 Amendment of s 420 (Orders about breach of agreements)

Section 420—

insert—

- (3) An order under subsection (1)(e) in favour of a lessor in relation to the reletting of premises must not be made for an amount that is more than the reletting costs.

76 Replacement of s 421 (Matters to which tribunal must have regard for orders for compensation)

Section 421—

omit, insert—

421 Matters to which tribunal must have regard for orders for compensation

Without limiting section 420(1)—

- (a) in making an order for compensation in favour of a lessor, a tribunal must have regard to whether the lessor has complied with the lessor's duty under section 362 to mitigate loss or expense; and
- (b) in making an order for compensation in favour of a provider, a tribunal must have regard to whether the provider has taken all reasonable steps to mitigate the loss or expense.

77 Amendment of s 447 (False or misleading documents)

Section 447(1) and (2), after 'authorised person'—

insert—

or the authority

78 Replacement of ch 9, hdg (Tenancy databases)

Chapter 9, heading—

omit, insert—

Chapter 9 Information about tenants

Part 1 Preliminary

79 Amendment of s 457 (Definitions for ch 9)

(1) Section 457, heading—

omit, insert—

457 Definition for chapter

- (2) Section 457, definitions *database operator*, *inaccurate*, *list*, *out of date*, *social housing database* and *tenancy database*—
relocate to section 457F, as inserted by this Act.
- (3) Section 457, definition *personal information*—
omit, *insert*—

personal information—

- (a) means information or an opinion about an identified individual, or an individual who is reasonably identifiable—
- (i) whether the information or opinion is true or not; and
- (ii) whether the information or opinion is recorded in a material form or not; and
- (b) includes photographs or images of individuals' personal possessions or standard of living.

80 Insertion of new ch 9, pt 2 and ch 9, pt 3, hdg

After section 457B—

insert—

Part 2 Protection of personal information

457C Definition for part

In this part—

applicant means—

- (a) a person who applies to a lessor or a lessor's agent to enter into a residential tenancy agreement; or

- (b) a person who applies to a provider or a provider's agent to enter into a rooming accommodation agreement.

457D Requirements about collecting personal information

- (1) This section applies to a person collecting personal information about an applicant, tenant or resident in relation to a residential tenancy agreement or rooming accommodation agreement.
- (2) The person may collect the personal information—
 - (a) in relation to an applicant—only for the purposes of assessing the suitability of the applicant as a tenant or resident for the premises; or
 - (b) in relation to a tenant or resident—only if the information relates to the management of the agreement.

Maximum penalty—20 penalty units.

- (3) For subsection (2)(b), photographs taken of the rental property during inspections are information relating to the management of the agreement.

457E Requirements about collected information

- (1) A lessor, lessor's agent, provider or provider's agent (the *relevant person*) must ensure that personal information about an applicant is—
 - (a) stored in a secure way; and
 - (b) accessed only by the relevant person for the purposes of assessing the suitability of the applicant as a tenant or resident for the premises; and

- (c) if the applicant does not become a tenant or resident—destroyed in a secure way within—
 - (i) 3 months after a residential tenancy agreement or a rooming accommodation agreement for the tenancy or accommodation for which the applicant applied commences; or
 - (ii) a longer period agreed to by the applicant.

Maximum penalty—20 penalty units.

- (2) The relevant person must ensure that personal information about a tenant or resident is—
 - (a) stored in a secure way; and
 - (b) accessed only for the purposes of managing the premises or rental premises; and
 - (c) destroyed in a secure way within 7 years after the end of the residential tenancy agreement or rooming accommodation agreement to which the information relates.

Maximum penalty—20 penalty units.

Part 3 Tenancy databases

457F Definitions for part

In this part—

81 Amendment of s 458 (Non-application to internal databases)

Section 458(1), ‘chapter’—

omit, insert—

part

82 Amendment of s 458B (Notice of listing if database used)

Section 458B(2)(d)(i), ‘chapter’—

omit, insert—

part

83 Amendment of s 463 (Offence of contravening tribunal order)

Section 463(1), ‘chapter’—

omit, insert—

part

84 Amendment of s 527 (Confidentiality)

Section 527(2) and (3)—

omit, insert—

- (2) The person must not make a record of the information, disclose the information to anyone else or give access to the document containing the information to anyone else, other than—
 - (a) for a purpose of this Act; or
 - (b) for the administration or enforcement of this Act; or
 - (c) with the consent of the person to whom the information relates; or
 - (d) as required by a court, tribunal, authority or person with lawful authority to require the production of documents or the answering of questions; or
 - (e) if the information is required to support the administration of—
 - (i) the *Agents Financial Administration Act 2014*; or

- (ii) the *Property Occupations Act 2014*; or
- (f) if the information is required for administering, receiving, holding or paying rental bonds; or
- (g) as required or authorised under a law; or
- (h) if the person reasonably considers it is necessary to prevent a serious risk to public safety.

Maximum penalty—50 penalty units.

(3) In this section—

confidential information—

- (a) means any information that—
 - (i) could identify an individual; or
 - (ii) is about a person’s criminal history; but
- (b) does not include—
 - (i) information that is publicly available; or
 - (ii) statistical or other information that could not reasonably be expected to result in the identification of the person to whom it relates.

85 Insertion of new ch 14, pt 8, div 3

Chapter 14, part 8, as inserted by this Act—

insert—

Division 3 Provisions commencing by proclamation

582 Existing applications for residential tenancies and rooming accommodation

- (1) New sections 57B to 57D do not apply to an application for a residential tenancy made but not decided before the commencement.
- (2) New sections 76C to 76E do not apply to an application for rooming accommodation made but not decided before the commencement.

583 Application of amendments about payment of rent—existing residential tenancy agreements

- (1) New sections 83 and 84B do not apply in relation to a residential tenancy agreement entered into before the commencement.
- (2) However, new section 84B applies in relation to an agreement entered into before the commencement if the lessor, lessor's agent or tenant proposes to change the way the tenant is paying rent under the agreement.

584 Application of changes about payment of rent—existing rooming accommodation agreements

- (1) New sections 98 and 99B do not apply in relation to a rooming accommodation agreement entered into before the commencement.
- (2) However, new section 99B applies in relation to an agreement entered into before the commencement if the provider, provider's agent or resident proposes to change the way the resident is paying rent under the agreement.

585 Evidence supporting claim on rental bond not required for certain rental bonds

- (1) New section 136AA does not apply in relation

to—

- (a) an application for payment of a rental bond under section 125 made during the transition period if the rental bond was paid to the authority before the commencement; or
- (b) a dispute resolution request about the payment of a rental bond made during the transition period if the rental bond was paid to the authority before the commencement.

(2) In this section—

transition period means the period starting on the commencement and ending 12 months after the commencement.

585A Maximum amount of rental bond—provision for existing rental bonds

(1) This section applies if—

- (a) before the commencement, a rental bond was paid for a residential tenancy agreement or rooming accommodation agreement; and
- (b) under section 122 of the Act, the rental bond is taken to be a rental bond for a renewal agreement; and
- (c) after the commencement, the amount of the rental bond is more than the amount that may be required or accepted under new section 146 for the renewal agreement.

(2) The tenant or resident may make an application to the authority for payment of the part of the rental bond that is equivalent to the difference between the amount held by the authority and the amount that may be required or accepted under new section 146 (the *excess amount*).

(3) The application—

- (a) must be made in the approved form; and
 - (b) may only direct a payment of the excess amount to be made to the contributor for the bond.
- (4) Despite section 124, the authority may pay the excess amount—
- (a) if there is only 1 contributor—to the contributor; or
 - (b) if there is more than 1 contributor and all contributors have made the application—to each contributor in the way directed in the application.
- (5) The authority must give the lessor, provider or agent notice of the amount of the rental bond held by the authority for the renewal agreement after the excess amount has been refunded to the tenant or resident.
- (6) Chapter 2, part 3, division 3 does not apply to an application made under this section.
- (7) For this section, section 150(4) is taken to include a reference to amounts payable under this section.
- (8) To remove any doubt, it is declared that a person does not commit an offence under new section 146(1) in relation to a rental bond to which this section applies.
- (9) In this section—
renewal agreement see section 122.

586 Existing residential tenancy agreements including term about paying reletting costs

- (1) This section applies if—
- (a) a residential tenancy agreement entered into before the commencement includes a term requiring a tenant to pay the reasonable

costs incurred by the lessor in reletting the premises; and

- (b) the requirements under former section 357A(1) were otherwise met in relation to the term.
- (2) The term is taken to comply with new section 357A(1).

587 Existing rooming accommodation agreements including term about paying reasonable costs

- (1) This section applies if—
- (a) a rooming accommodation agreement entered into before the commencement includes a term requiring a resident to pay the reasonable costs incurred by the provider in reletting the resident's room; and
 - (b) the requirements under former section 396A(1) were otherwise met in relation to the term.
- (2) The term is taken to comply with new section 396A(1).

588 Transitional regulation making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature about any matter for which—
- (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as in force before its amendment by the amending Act to the operation of this Act as in force from the commencement; and
 - (b) this Act does not make provision or sufficient provision.

- (2) A transitional regulation may have retrospective operation to a day that is not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 2 years after this section commences.

86 Amendment of sch 1 (Notice periods)

Schedule 1, part 1, division 3, entry for notice to leave for an unremedied breach (s 281)—

omit.

87 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *approved way*—

omit.

- (2) Schedule 2—

insert—

applicant, for chapter 9, part 2, see section 457C.

body corporate law means—

- (a) the *Body Corporate and Community Management Act 1997*; or
- (b) the *Building Units and Group Titles Act 1980*.

body corporate scheme means—

- (a) a community titles scheme; or
- (b) a plan under the *Building Units and Group Titles Act 1980*.

community titles scheme see the *Body Corporate and Community Management Act 1997*, section 10.

real estate agent see the *Property Occupations Act 2014*, section 16.

reletting costs—

- (a) for a residential tenancy agreement—see section 357A(3); or
 - (b) for a rooming accommodation agreement—see section 396A(3).
- (3) Schedule 2, definitions *database operator*, *inaccurate*, *list*, *out of date*, *social housing database* and *tenancy database*, ‘see section 457’—

omit, *insert*—

part 3, see section 457F

Part 3 Other legislation

Division 1 Amendment of Body Corporate and Community Management Act 1997

88 Act amended

This division amends the *Body Corporate and Community Management Act 1997*.

89 Amendment of s 77 (Definitions for part)

Section 77—

insert—

lease includes—

- (a) a residential tenancy agreement or rooming accommodation agreement under the *Residential Tenancies and Rooming Accommodation Act 2008*; or

(b) a lease under the *Retail Shop Leases Act 1994*.

leasehold interest includes a resident's interest in a rooming accommodation agreement under the *Residential Tenancies and Rooming Accommodation Act 2008*.

lessee includes a resident in rooming accommodation under the *Residential Tenancies and Rooming Accommodation Act 2008*.

90 Amendment of s 81B (What is a *termination plan*)

(1) Section 81B(1)—

insert—

(fa) the arrangements requiring the facilitator to, at least 2 months before the day of settlement for the contract, give written notice to each lessee of a lot included in the scheme or other scheme land stating—

(i) the day of settlement; and

(ii) if section 81V applies in relation to the lease—that the lessee's lease will terminate on the settlement day under that section; and

(iii) the day on which the owner of the lot is to provide vacant possession of the lot;

(2) Section 81B(1)(fa) to (h)—

renumber as section 81B(1)(g) to (i).

(3) Section 81B(2), 'subsection (1)(a) to (h)'—

omit, insert—

subsection (1)(a) to (i)

(4) Section 81B(3), 'subsection (1)(g)'—

omit, insert—

subsection (1)(h)

(5) Section 81B(5)—

insert—

lessor includes a provider under the *Residential Tenancies and Rooming Accommodation Act 2008*.

91 Amendment of s 81N (Applications to court about termination plan)

Section 81N(6)—

omit, insert—

(6) A facilitator may apply to the court for an order —

- (a) to terminate a lease of a lot or other scheme land, on a day not earlier than the day of settlement for the contract for the sale of the community titles scheme; or
- (b) to require an occupier or a lessee of a lot or other scheme land to vacate the lot or scheme land on the day stated in the application; or
- (c) to require that each lot in the scheme be sold under the termination plan.

92 Amendment of s 81R (Court orders)

Section 81R(3)(e)(i), from ‘lot’ to ‘more’—

omit, insert—

lot or other scheme land

93 Replacement of s 81V (Particular leases)

Section 81V—

omit, insert—

81V Termination of particular leases

- (1) This section applies if—
 - (a) under a termination plan for a community titles scheme, a facilitator gives a lessee of a lot or other scheme land a notice as required under the arrangements mentioned in section 81B(1)(g); and
 - (b) the lease is any of the following that is in effect immediately before the day of settlement of the contract for the sale of the scheme—
 - (i) a residential tenancy agreement or rooming accommodation agreement under the *Residential Tenancies and Rooming Accommodation Act 2008*;
 - (ii) a lease under the *Retail Shop Leases Act 1994*.
- (2) The lease terminates on the day of settlement for the contract for the sale of the community titles scheme.

94 Insertion of new ch 8, pt 17

Chapter 8—

insert—

Part 17

Transitional provisions for Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024

457 Definition for part

In this part—

new, for a provision of this Act, means the provision as in force from the commencement.

458 Facilitator’s functions under existing termination plans

- (1) This section applies if—
 - (a) before the commencement—
 - (i) the body corporate for a community titles scheme has passed a termination plan resolution; and
 - (ii) the body corporate has, under section 81J, given each lot owner a copy of the termination plan in relation to the scheme; and
 - (b) immediately before the commencement, the body corporate has not passed a termination resolution.
- (2) A facilitator appointed to implement the termination plan must, at least 2 months before the day of settlement for the contract of the sale of the scheme, give written notice to each lessee of a lot included in the scheme or other scheme land stating—
 - (a) the day of settlement; and
 - (b) if the lease is a lease mentioned in new section 81V(1)(b)—that the lessee’s lease will terminate on the settlement day under that section as it applies under subsection (4); and
 - (c) the day on which the owner of the lot is to provide vacant possession of the lot.
- (3) Subsection (4) applies in relation to a lease of a lot

or other scheme land if—

- (a) the lease is in effect immediately before the day of settlement of the contract for the sale of the scheme; and
 - (b) the lease is any of the following—
 - (i) a residential tenancy agreement or rooming accommodation agreement under the *Residential Tenancies and Rooming Accommodation Act 2008*;
 - (ii) a lease under the *Retail Shop Leases Act 1994*.
- (4) New section 81V(2) applies in relation to the lease as if the notice given to the lessee under subsection (2) were a notice mentioned in new section 81V(1)(a).

459 Proceedings for particular court orders

- (1) This section applies if—
 - (a) before the commencement, a person applied under section 81N for a court order in relation to a termination plan; and
 - (b) immediately before the commencement, the court had not decided the application.
- (2) New section 81R applies in relation to the matters the court must consider in deciding whether to make the order.

95 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

lease, for chapter 2, part 9, see section 77.

leasehold interest, for chapter 2, part 9, see

section 77.

lessee, for chapter 2, part 9, see section 77.

Division 1A Amendment of Building Industry Fairness (Security of Payment) Act 2017

95A Act amended

This division amends the *Building Industry Fairness (Security of Payment) Act 2017*.

95B Amendment of s 79 (Application for adjudication)

(1) Section 79(2)(e)—

omit.

(2) Section 79(3)—

omit, insert—

(3) The adjudication application may be accompanied by submissions relevant to the application.

(3A) The claimant must give the following documents to the respondent within 4 business days after making the adjudication application—

(a) a copy of the adjudication application;

(b) a copy of the submissions, if any, accompanying the application under subsection (3).

(3) Section 79—

insert—

(5) In this section—

copy, of an adjudication application, includes a

document containing details of the application given to the claimant by the registrar for the purpose of the claimant complying with the claimant's obligation under subsection (4)(a).

- (4) Section 79(3A) to (5)—
renumber as section 79(4) to (6).

95C Amendment of s 83 (Time for making adjudication response)

Section 83(1)(a), (2)(a) and (4)(b)(i), 'a copy of the adjudication application'—

omit, insert—

the documents mentioned in section 79(4)

95D Insertion of new ch 8D

Before chapter 9—

insert—

**Chapter 8D Validation provisions
for Residential
Tenancies and
Rooming
Accommodation and
Other Legislation
Amendment Act
2024**

215C Definitions for chapter

In this chapter—

former, for a provision of this Act, means the

provision as in force from time to time before the commencement.

registry summary, of an adjudication application, means a document given to the claimant by the registrar that includes at least the following details of the application—

- (a) the name of the claimant;
- (b) the name of the respondent;
- (c) the date the application was made.

215D Validation of non-compliance with former section 79(3)

- (1) This section applies if, before the commencement—
 - (a) a claimant made an adjudication application; and
 - (b) the claimant did not give a copy of the adjudication application to the respondent as required under former section 79(3); and
 - (c) the claimant gave the respondent a registry summary of the adjudication application.
- (2) The claimant is taken to have complied with former section 79(3).

215E Validation of adjudication decision made before commencement—registry summary given to respondent

- (1) This section applies if, before the commencement—
 - (a) an adjudicator purportedly made a decision under section 88 (the **relevant decision**) on an adjudication application; and

- (b) the adjudicator did not have jurisdiction to make the relevant decision only because the claimant did not give a copy of the adjudication application to the respondent as required under former section 79(3); and
 - (c) the claimant gave a registry summary of the adjudication application to the respondent.
- (2) Despite the absence of jurisdiction mentioned in subsection (1)(b)—
 - (a) the relevant decision is as valid as it would have been if the claimant had complied with former section 79(3) and the adjudicator had jurisdiction to make the decision; and
 - (b) anything done or purportedly done as a result of, or in reliance on, the relevant decision is taken to be, and always to have been, as valid and lawful as it would have been if, at the time the thing was done, the adjudicator had jurisdiction to make the relevant decision as mentioned in paragraph (a).
- (3) This section applies even if a proceeding relating to the adjudication application has been commenced in a court.

215F Declaration of court made before commencement that adjudication void is of no effect

- (1) This section applies if, before the commencement, a court in a proceeding—
 - (a) declared that a decision made under section 88 on an adjudication application was void only because the adjudicator did not have jurisdiction to make the decision because the claimant did not give a copy of the

adjudication application to the respondent as required under former section 79(3); and

- (b) found that the claimant gave a registry summary of the adjudication application to the respondent.
- (2) The declaration of the court is of no effect.
 - (3) Despite the declaration of the court—
 - (a) the decision made under section 88 is as valid as it would have been if the claimant had complied with former section 79(3) and the adjudicator had jurisdiction to make the decision; and
 - (b) anything done or purportedly done as a result of, or in reliance on, the decision made under section 88 is taken to be, and always to have been, as valid and lawful as it would have been if, at the time the thing was done, the adjudicator had jurisdiction to make the decision as mentioned in paragraph (a).
 - (4) If the adjudicator decided in the adjudication that the respondent was required to pay an adjudicated amount, for the purposes of section 90, the respondent is taken to have received a copy of the adjudicator's decision on the day that is 30 business days after the commencement.
 - (5) If the court made any other order in the proceeding, including, for example, an order as to costs, a party to the proceeding may apply to the court to vary the order.
 - (6) The court may hear and decide an application under subsection (5) and make the orders it considers appropriate having regard to the operation of this chapter.

215G Adjudication application must be re-decided if adjudicator decided before commencement that adjudicator did not have jurisdiction

- (1) This section applies if, before the commencement—
 - (a) a claimant made an adjudication application; and
 - (b) the claimant did not give a copy of the adjudication application to the respondent as required under former section 79(3); and
 - (c) the claimant gave the respondent a registry summary of the adjudication application; and
 - (d) an adjudicator (the *original adjudicator*) was appointed under section 81; and
 - (e) the original adjudicator decided under section 84(2)(a)(i) that the original adjudicator did not have jurisdiction to adjudicate the application only because the claimant did not give a copy of the adjudication application to the respondent as required under former section 79(3).
- (2) The decision of the original adjudicator is void and of no effect.
- (3) On the commencement, the registrar is taken to refer the adjudication application to the original adjudicator for a decision.
- (4) The original adjudicator must accept or reject the referral, unless the original adjudicator has a reasonable excuse, within 14 business days after the commencement by notifying the registrar of the acceptance or rejection.
- (5) If the original adjudicator rejects the referral or does not accept it within the period required under subsection (4)—

- (a) the registrar must refer the adjudication application to another adjudicator (the *new adjudicator*) within 4 business days after becoming aware of the rejection or failure; and
 - (b) no fee is payable for referring the adjudication application to the new adjudicator.
- (6) The new adjudicator must accept or reject the referral, unless the new adjudicator has a reasonable excuse, within 4 business days after the referral under subsection (5)(a).
- (7) If the original adjudicator or the new adjudicator accepts the referral—
- (a) the adjudicator is taken to be appointed to decide the adjudication application; and
 - (b) the failure of the claimant to comply with former section 79(3) is taken not to deprive the adjudicator of jurisdiction to decide the adjudication application; and
 - (c) within 4 business days after the appointment, the adjudicator must give the claimant and the respondent a notice stating that—
 - (i) the decision of the original adjudicator mentioned in subsection (1)(e) is void under subsection (2); and
 - (ii) the respondent may give the adjudicator a response to the adjudication application within 15 business days after receiving the notice; and
 - (iii) the adjudicator will decide the adjudication application within 15 business days after the end of the period within which the respondent

- may give a response under subparagraph (ii); and
- (d) the adjudicator must decide the adjudication application under section 88 within 15 business days after the end of the period within which the respondent may give a response under subparagraph (ii).
- (8) For the making of a decision on the adjudication application by the original adjudicator or the new adjudicator under this section—
- (a) the adjudicator may ask for further written submissions from either party and must give the other party an opportunity to comment on the submissions; and
- (b) the time for deciding the adjudication application may be extended under section 86; and
- (c) sections 89 to 97 apply in relation to the adjudication.
- (9) For subsection (8)(b), section 86 applies as if a reference to section 85(1) were a reference to subsection (7)(d).
- (10) To remove any doubt, it is declared that subsection (8) does not limit the application of this Act to the decision on the adjudication application by the original adjudicator or the new adjudicator under this section.

215H Continuation of adjudication if adjudication not completed before commencement

- (1) This section applies if, before the commencement—
- (a) a claimant made an adjudication application; and

- (b) the claimant did not give a copy of the adjudication application to the respondent as required under former section 79(3); and
 - (c) the claimant gave the respondent a registry summary of the adjudication application; and
 - (d) an adjudicator was appointed under section 81; and
 - (e) the adjudicator has not decided the adjudication application under section 88.
- (2) The failure of the claimant to comply with former section 79(3) is taken not to deprive the adjudicator of jurisdiction to decide the adjudication application.

Note—

See also section 215D in relation to the failure to comply with former section 79(3).

- (3) The adjudication application must be decided under part 4.

215I No compensation payable by State

- (1) This section applies if, before the commencement—
- (a) the registrar gave a registry summary of an adjudication application to the claimant in the application; and
 - (b) the claimant gave the registry summary to the respondent in the application.
- (2) No liability attaches to the commission, the registrar, a public service employee, or the State, and no compensation is payable by the commission, the registrar, a public service employee, or the State, in relation to—

- (a) the giving of the registry summary by the registrar to the claimant; or
- (b) anything done or purportedly done as a result of, or in reliance on, the registry summary being given by the registrar to the claimant.

Division 2 **Amendment of Fair Trading Inspectors Act 2014**

96 **Act amended**

This division amends the *Fair Trading Inspectors Act 2014*.

97 **Amendment of s 6 (Modifying operation of Act for Property Occupations Act 2014)**

- (1) Section 6(1), from ‘subsection (3)’—

omit, insert—

subsections (3) and (4) (each a *modifying provision*).

- (2) Section 6(2), ‘used in the’—

omit, insert—

used in a

- (3) Section 6—

insert—

- (4) In section 60 a reference to an offence against a primary Act is taken to include a reference to a contravention of the *Property Occupations Act 2014*, section 92B(1) or 151B(1).

Division 3 Amendment of Local Government Act 2009

98 Act amended

This division amends the *Local Government Act 2009*.

99 Amendment of s 208 (Superannuation board (LGIAsuper Trustee))

- (1) Section 208, heading, ‘LGIAsuper’—

omit, insert—

Brighter Super

- (2) Section 208(1) and (2), ‘LGIAsuper’—

omit, insert—

Brighter Super

100 Replacement of s 220A (Amount of yearly contributions—permanent employees)

Section 220A—

omit, insert—

220A Amount of yearly contributions—permanent employees

- (1) A permanent employee of a local government or local government entity (each an *employer*) must make a yearly contribution to the relevant fund for the employee.
- (2) The amount of the yearly contribution is the amount prescribed by regulation.
- (3) However, if the permanent employee is not a defined benefit member, the employee may change the amount of the yearly contribution to a particular rate of the employee’s salary.

- (4) For subsection (3)—
 - (a) the rate may be 0%; and
 - (b) the employee must give the employer notice of the change.
- (5) Despite subsection (1), the permanent employee need not make the yearly contribution if the employer makes the contribution, in accordance with the employee's remuneration agreement, as well as the yearly contribution the employer is required to make under section 220.
- (6) If subsection (5) applies, despite any other Act the employer may deduct all or part of the yearly contribution from—
 - (a) the permanent employee's salary; or
 - (b) any money the permanent employee owes to the employer.
- (7) If subsection (5) applies and the permanent employee changes the amount of the yearly contribution under subsection (3), the change takes effect at the start of the employee's first pay period, after notice of the change is given under subsection (4)(b), by which the employer can practicably implement the change.
- (8) If the permanent employee is required under an industrial instrument to make superannuation contributions, the superannuation contribution required under the industrial instrument is not in addition to the yearly contribution the employee is required to make under this section.
- (9) Subsections (1) and (5) are subject to section 220B.

101 Amendment of s 220B (Reduction in contributions to prevent them exceeding concessional contributions cap)

(1) Section 220B(1)(b), ‘section 220A(2)’—

omit, insert—

section 220A

(2) Section 220B(2)(b), ‘section 220A(3)’—

omit, insert—

section 220A(5)

(3) Section 220B(3)(c), ‘section 220A(2)’—

omit, insert—

section 220A

(4) Section 220B(3)(c), ‘section 220A(3)’—

omit, insert—

section 220A(5)

102 Omission of s 221 (Exemption from payment of yearly contributions on grounds of financial hardship)

Section 221—

omit.

103 Insertion of new ch 9, pt 19

Chapter 9—

insert—

Part 19 Transitional provisions for Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024

355 Definitions for part

In this part—

amending Act means the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024*.

defined benefit member see section 216A.

new, for a section of this Act, means the section as in force from the commencement.

356 Change in name of board and scheme

- (1) To remove any doubt, it is declared that—
 - (a) the amendment of section 208 by the amending Act has effect only to change the name of the board mentioned in the section and does not establish a new board; and
 - (b) the amendment of section 217 by the amending Act has effect only to change the name of the superannuation scheme mentioned in the section and does not establish a new superannuation scheme.
- (2) From the commencement, if the context permits—

- (a) a reference in a document to either of the following is taken to be a reference to Brighter Super Trustee—
 - (i) the Queensland Local Government Superannuation Board under the 1993 Act or this Act;
 - (ii) LGIAsuper Trustee; and
- (b) a reference in an industrial instrument or other document to any of the following is taken to be a reference to Brighter Super—
 - (i) the Local Government Superannuation Scheme under the 1993 Act or this Act;
 - (ii) the LG super scheme;
 - (iii) LGIAsuper;
 - (iv) City Super;
 - (v) the Brisbane City Council Superannuation Plan.

357 Existing memberships and entitlements

- (1) The amendment of this Act by the amending Act does not affect—
 - (a) the membership of an existing member; or
 - (b) any entitlement the existing member accrued under this Act before the commencement.
- (2) In this section—

existing member means a person who, immediately before the commencement, was a member of LGIAsuper.

358 Existing financial hardship exemptions

- (1) This section applies to a permanent employee of a

- local government or local government entity if—
- (a) the employee is not a defined benefit member; and
 - (b) immediately before the commencement, an exemption was in effect for the employee under former section 221.
- (2) On the commencement, the permanent employee is taken to have given the local government or local government entity a notice under new section 220A(4)(b) stating the following rate—
- (a) if the exemption applied to all of the employee's contributions payable under former section 220A(2)—0%;
 - (b) if the exemption applied to part of the employee's contributions payable under former section 220A(2)—
 - (i) the rate at which the employee was required to pay the remaining part of the employee's contributions in accordance with the exemption; or
 - (ii) the rate that is equivalent to the amount of the remaining part of the employee's contributions payable in accordance with the exemption.
- (3) In this section—
- former*, for a section of this Act, means the section as in force immediately before the commencement.

359 Particular employees of the Brisbane City Council

- (1) This section applies to a permanent employee of the Brisbane City Council if—

- (a) the employee is not a defined benefit member; and
- (b) immediately before the commencement, the employee was—
 - (i) an employee of the Brisbane City Council mentioned in section 216C(a); and
 - (ii) 70 years or older.
- (2) On the commencement, the permanent employee is taken to have given the Brisbane City Council a notice under new section 220A(4)(b) stating the rate of 0%.

Division 4 Amendment of Property Occupations Act 2014

104 Act amended

This division amends the *Property Occupations Act 2014*.

105 Amendment of s 28 (Limited property agent licence)

- (1) Section 28, note—
omit.
- (2) Section 28—
insert—
 - (3) The chief executive must publish the approved qualifications on the department’s website.

106 Amendment of s 45 (Eligibility for property agent licence)

- (1) Section 45(1)(b), ‘generally’—
omit.

(2) Section 45(1), note—

omit.

(3) Section 45—

insert—

(1A) The chief executive must publish the approved qualifications on the department’s website.

(4) Section 45(1A) to (4)—

renumber as section 45(2) to (5).

107 Amendment of s 46 (Eligibility for resident letting agent licence)

(1) Section 46(1)(b), ‘generally’—

omit.

(2) Section 46(1), note—

omit.

(3) Section 46—

insert—

(1A) The chief executive must publish the approved qualifications on the department’s website.

(4) Section 46(1A) to (3)—

renumber as section 46(2) to (4).

108 Amendment of s 58 (Application for renewal)

Section 58(2)(d)—

insert—

(v) if section 92B(1) applies to the licensee—a statement that the licensee has, for each CPD year ending within the term of the licensee’s current licence, complied with section 92B(1)

or evidence that exceptional circumstances apply.

109 Amendment of s 59 (Chief executive may renew or refuse to renew licence)

(1) Section 59—

insert—

(2A) If section 92B(1) applies to the licensee, the chief executive must, in deciding whether to renew or refuse to renew the licence, have regard to whether—

- (a) the licensee has complied with section 92B(1) for each CPD year ending within the term of the licensee's current licence; or
- (b) the licensee has not complied with section 92B(1) for each CPD year ending within the term of the licensee's current licence but exceptional circumstances apply.

(2) Section 59(2A) and (3)—

renumber as section 59(3) and (4).

110 Amendment of s 61 (Application for restoration)

Section 61(2)(e)—

insert—

- (vi) if section 92B(1) applied to the licensee in relation to the expired licence—a statement that the licensee complied with section 92B(1) for each CPD year ending within the term of the licensee's expired licence, or evidence that exceptional circumstances applied.

111 Amendment of s 63 (Chief executive may restore or refuse to restore licence)

(1) Section 63—

insert—

(2A) If section 92B(1) applied to the licensee in relation to the expired licence, the chief executive must, in deciding whether to restore or refuse to restore the licence, have regard to whether—

- (a) the licensee complied with section 92B(1) for each CPD year ending within the term of the licensee's expired licence; or
- (b) the licensee did not comply with section 92B(1) for each CPD year ending within the term of the licensee's expired licence but exceptional circumstances applied.

(2) Section 63(2A) to (4)—

renumber as section 63(3) to (5).

112 Insertion of new pt 3, div 1A

Part 3—

insert—

Division 1A Continuing professional development

92A Definitions for division

In this division—

CPD requirements, for a licensee, means the continuing professional development requirements for the licensee approved by the chief executive under section 92D.

CPD year, for a licence, means—

- (a) a period of 12 months ending on the day before an anniversary of the date the licence was first issued; or
- (b) a period approved by the chief executive under section 92E.

92B Licensees to complete CPD requirements

- (1) A licensee who is an individual must complete the CPD requirements for each CPD year for the licensee's licence.

Example—

An auctioneer's 3-year licence is issued on 1 September 2025. Under subsection (2)(a), the auctioneer is not required to complete the CPD requirements for the CPD year between 1 September 2025 and 31 August 2026. Under this subsection, the auctioneer is required to complete the CPD requirements for the CPD year between 1 September 2026 and 31 August 2027 and for the CPD year between 1 September 2027 and 31 August 2028 (and for later CPD years if the licence is renewed).

- (2) Subsection (1) does not apply to—
 - (a) a licensee for the first CPD year that the licensee holds their licence; or
 - (b) a licensee for a CPD year in which the licensee's licence is deactivated for the majority of the year; or
 - (c) a licensee in relation to a limited property agent licence issued to the licensee under section 28; or
 - (d) a licensee who is an entity mentioned in part 2, division 9, subdivision 3.
- (3) If a licensee holds more than 1 authority, subsection (1) applies to the licensee only—
 - (a) if the authority with the earliest date of original issue is a licence; and

(b) if the licensee holds more than 1 licence—in relation to the licence that has the earliest date of issue.

(4) In this section—

authority means a licence or a registration certificate.

date of original issue, of an authority, means the date on which the authority was first issued (before any subsequent renewal or restoration of the authority).

92C Record of completed CPD requirements

(1) A licensee to whom section 92B(1) applies must keep a record of the CPD requirements completed by the licensee.

Maximum penalty—10 penalty units.

(2) The licensee must keep the record for 5 years after the end of the CPD year to which the record relates.

Maximum penalty—10 penalty units.

92D Chief executive to approve and publish CPD requirements

(1) The chief executive must approve continuing professional development requirements for licensees.

(2) The chief executive must publish the CPD requirements on the department's website.

92E Chief executive may approve adjusted CPD year

(1) The chief executive may, on their own initiative or on application by a licensee, approve a period

as a CPD year for the licensee's licence.

- (2) The chief executive must give the licensee notice of the approved period and the day on which the period starts.

113 Amendment of s 127 (Eligibility for registration as real estate salesperson)

- (1) Section 127(1), note—

omit.

- (2) Section 127—

insert—

- (1A) The chief executive must publish the approved qualifications on the department's website.

- (3) Section 127(1A) and (2)—

renumber as section 127(2) and (3).

114 Amendment of s 130 (Application for renewal)

Section 130(2)(c)—

insert—

- (iv) if section 151B(1) applies to the real estate salesperson—a statement that the person has, for each CPD year ending within the term of the person's current registration certificate, complied with section 151B(1) or evidence that exceptional circumstances apply.

115 Amendment of s 131 (Chief executive may renew or refuse to renew registration certificate)

- (1) Section 131—

insert—

(2A) If section 151B(1) applies to the real estate salesperson, the chief executive must, in deciding whether to renew or refuse to renew the registration certificate, have regard to whether—

- (a) the real estate salesperson has complied with section 151B(1) for each CPD year ending within the term of the salesperson's current registration certificate; or
- (b) the real estate salesperson has not complied with section 151B(1) for each CPD year ending within the term of the salesperson's current registration certificate but exceptional circumstances apply.

(2) Section 131(2A) and (3)—

renumber as section 131(3) and (4).

116 Amendment of s 133 (Application for restoration)

Section 133(2)(d)—

insert—

- (vi) if section 151B(1) applied to the person in relation to the expired registration certificate—a statement that the person complied with section 151B(1) for each CPD year ending within the term of the person's expired registration certificate, or evidence that exceptional circumstances applied.

117 Amendment of s 135 (Chief executive may restore or refuse to restore registration certificate)

(1) Section 135—

insert—

(2A) If section 151B(1) applied to the real estate salesperson in relation to the expired registration

certificate, the chief executive must, in deciding whether to restore or refuse to restore the registration certificate, have regard to whether—

- (a) the real estate salesperson complied with section 151B(1) for each CPD year ending within the term of the salesperson's expired registration certificate; or
- (b) the real estate salesperson did not comply with section 151B(1) for each CPD year ending within the term of the salesperson's expired registration certificate but exceptional circumstances applied.

- (2) Section 135(2A) to (4)—
renumber as section 135(3) to (5).

118 Insertion of new pt 5, div 11

Part 5—

insert—

Division 11 Continuing professional development

151A Definitions for division

In this division—

CPD requirements, for a real estate salesperson, means the continuing professional development requirements for the real estate salesperson approved by the chief executive under section 151D.

CPD year, for a registration certificate, means—

- (a) a period of 12 months ending on the day before an anniversary of the date the registration certificate was first issued; or

- (b) a period approved by the chief executive under section 151E.

151B Real estate salespersons to complete CPD requirements

- (1) A real estate salesperson must complete the CPD requirements for each CPD year for the salesperson's registration certificate.

Example—

A real estate salesperson's 3-year registration certificate is issued on 1 September 2025. Under subsection (2), the person is not required to complete the CPD requirements for the CPD year between 1 September 2025 and 31 August 2026. Under this subsection, the person is required to complete the CPD requirements for the CPD year between 1 September 2026 and 31 August 2027 and for the CPD year between 1 September 2027 and 31 August 2028 (and for later CPD years if the registration certificate is renewed).

- (2) Subsection (1) does not apply to a real estate salesperson for the first CPD year that the person holds their registration certificate.
- (3) If a real estate salesperson holds more than 1 authority, subsection (1) applies to the salesperson only if the authority with the earliest date of original issue is a registration certificate.
- (4) In this section—

authority means a licence or a registration certificate.

date of original issue, of an authority, means the date on which the authority was first issued (before any subsequent renewal or restoration of the authority).

151C Record of completed CPD requirements

- (1) A real estate salesperson to whom section

151B(1) applies must keep a record of the CPD requirements completed by the person.

Maximum penalty—10 penalty units.

- (2) The real estate salesperson must keep the record for 5 years after the end of the CPD year to which the record relates.

Maximum penalty—10 penalty units.

151D Chief executive to approve and publish CPD requirements

- (1) The chief executive must approve continuing professional development requirements for real estate salespersons.
- (2) The chief executive must publish the CPD requirements on the department's website.

151E Chief executive may approve adjusted CPD year

- (1) The chief executive may, on their own initiative or on application by a real estate salesperson, approve a period as a CPD year for the salesperson's registration certificate.
- (2) The chief executive must give the salesperson notice of the approved period and the day on which the period starts.

119 Insertion of new ss 229B and 229C

After section 229A—

insert—

229B Confidentiality

- (1) This section applies to a person who—

- (a) is, or has been, a public service employee performing functions under or relating to the administration of this Act; and
 - (b) in that capacity, has acquired or has access to personal information about another person.
- (2) The person must not disclose the information to anyone else, or use the information, other than under this section.

Maximum penalty—35 penalty units.

- (3) The person may disclose or use the information—
- (a) to the extent the disclosure or use is—
 - (i) necessary to perform a function under or relating to the administration of this Act; or
 - (ii) otherwise required or permitted under this Act or another law; or
 - (b) with the consent of the person to whom the information relates; or
 - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.
- (4) In this section—

disclose includes give access to.

information includes a document.

personal information means information about a person's affairs.

229C Exchange of information

- (1) The chief executive may enter into an arrangement (an *information-sharing arrangement*) with a relevant agency for the purposes of sharing or exchanging information—

- (a) held by the chief executive or the relevant agency; or
 - (b) to which the chief executive or the relevant agency has access.
- (2) An information-sharing arrangement may relate only to information that assists—
- (a) the chief executive to perform the chief executive's functions under this Act; or
 - (b) the relevant agency to perform its functions.
- (3) Under an information-sharing arrangement, the chief executive and the relevant agency are, despite another Act or law, authorised to—
- (a) ask for and receive information from the other party to the arrangement; and
 - (b) disclose information to the other party.
- (4) The chief executive may use criminal intelligence, given to the chief executive by the police commissioner under an information-sharing arrangement, only for monitoring compliance with this Act.
- (5) In this section—

information does not include information given to the chief executive or a relevant agency, or to which the chief executive or a relevant agency has access, under the *Crime and Corruption Act 2001*.

relevant agency means the following—

- (a) the police commissioner;
- (b) the chief executive of a department;
- (c) the Residential Tenancies Authority established under the *Residential Tenancies and Rooming Accommodation Act 2008*;
- (d) a local government;

(e) a person prescribed by regulation.

120 Amendment of pt 14, hdg (Transitional provisions)

Part 14, heading, after ‘provisions’—

insert—

for Act No. 22 of 2014

121 Insertion of new pt 15

After part 14—

insert—

**Part 15 Transitional provisions
for Property
Occupations and Other
Legislation
Amendment Act 2024**

**273 Application of s 92B to licensees holding
existing licences**

- (1) Subsection (2) applies to a licensee who holds a licence that is—
 - (a) for a term of 1 year or more; and
 - (b) in force on the commencement.
- (2) Section 92B does not apply to the licensee until the start of the first CPD year for the licence after the commencement.
- (3) Subsection (4) applies to a licensee who holds a licence that is—
 - (a) for a term of less than 1 year; and
 - (b) in force on the commencement.
- (4) Section 92B applies to the licensee only—

- (a) if the licence is renewed; and
- (b) from the start of the next CPD year for the licence.

274 Application of s 151B to real estate salespersons holding existing registration certificates

- (1) Subsection (2) applies to a real estate salesperson who holds a registration certificate that is—
 - (a) for a term of 1 year or more; and
 - (b) in force on the commencement.
- (2) Section 151B does not apply to the salesperson until the start of the first CPD year for the registration certificate after the commencement.
- (3) Subsection (4) applies to a real estate salesperson who holds a registration certificate that is—
 - (a) for a term of less than 1 year; and
 - (b) in force on the commencement.
- (4) Section 151B applies to the salesperson only—
 - (a) if the registration certificate is renewed; and
 - (b) from the start of the next CPD year for the registration certificate.

122 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

CPD requirements—

- (a) for a licensee—see section 92A; or
- (b) for a real estate salesperson—see section 151A.

CPD year—

- (a) for a licence—see section 92A; or
- (b) for a registration certificate—see section 151A.

Division 5 Other amendments

123 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 123

Part 1 Amendments commencing on assent

Residential Tenancies and Rooming Accommodation Regulation 2009

1 Section 29—

omit, insert—

29 Procedures for selling goods by auction—Act, s 363

- (1) This section prescribes procedures under section 363(5) of the Act for a person selling goods by auction under section 363(4)(a) of the Act.
- (2) The person must make reasonable efforts to contact the person entitled to the goods (the *owner*) to give the owner notice of the auction.
- (3) For subsection (2), reasonable efforts include the following—
 - (a) attempting to contact the owner by telephone, including text message, email or private message on a social media platform;
 - (b) attempting to contact an emergency contact listed on the owner's residential tenancy agreement;
 - (c) publishing a notice in an online newspaper for the city or State in which the owner is or was residing.

- (4) If, after making reasonable efforts to contact the owner under this section, the person is unable to contact the owner or the owner does not make a claim to possession of the goods, the person may sell the goods by auction.

State Penalties Enforcement Regulation 2014

- 1** Schedule 1, entry for *Residential Tenancies and Rooming Accommodation Act 2008*, entries for sections 57(1), 57(2), 77(1), 93(2), 173(4) and 178(4)—

omit.

- 2** Schedule 1, entry for *Residential Tenancies and Rooming Accommodation Act 2008*—

insert—

s 57(1)	5	25
s 57(2)	5	25
s 57(3)	5	25
s 76AA(1)	5	25
s 76AA(2)	5	25
s 76AA(3)	5	25
s 93(1)	2	10
s 93A(2)	4	20
s 105B(1)	2	10
s 105C(2)	4	20
s 173(3)	2	10
s 178(3)	2	10

Part 2 Amendments commencing on 1 July 2024

Local Government Act 2009

1 Amendment of references to LGIASuper

Each of the following provisions is amended by omitting ‘LGIASuper’ and inserting ‘Brighter Super’—

- section 209, heading and subsections (1) and (2)
- section 210
- section 211, heading and subsection (1)
- section 216(2)
- section 216A, definition *chosen fund*, paragraph (b)
- section 216A, definition *defined benefit member*
- section 216A, definition *relevant fund*, paragraph (a)(i)
- chapter 7, part 2, division 2, heading
- section 217, heading and subsections (1), (2) and (3)(b)
- section 218
- section 219
- section 219A, heading and subsections (1) and (2)
- section 220(2)
- schedule 4, definition *trust deed*.

2 Section 217(4)—

omit, insert—

- (4) Brighter Super Trustee may include particular other matters in the trust deed under section 220B.

3 Schedule 4, definitions *LGIA^{super}* and *LGIA^{super} Trustee*, ‘*LGIA^{super}*’—

omit, insert—

Brighter Super

Local Government Regulation 2012

1 Section 303(1), from ‘yearly’ to ‘is the amount’—

omit, insert—

amount prescribed is

2 Section 303(2)—

omit.

Superannuation (Public Employees Portability) Regulation 2019

1 Section 3(a), ‘*LGIA^{super}*’—

omit, insert—

Brighter Super

Superannuation (State Public Sector) Act 1990

1 Section 34(2)(a), ‘*LGIA^{super}*’—

omit, insert—

Brighter Super

2 Section 34(3), definition *LGIAsuper default fund arrangements*, '*LGIAsuper*'—

omit, insert—

Brighter Super

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