



Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024



Queensland

Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024

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2024

A Bill

for

An Act to amend the *Body Corporate and Community Management Act 1997*, 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

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024*. 4
5
6

Clause 2 Commencement 7

(1) The following provisions commence on 1 July 2024— 8

(a) part 3, division 3; 9

(b) schedule 1, part 2. 10

(2) Part 3, divisions 2 and 4 commence 1 year after the date of assent. 11
12

(3) Part 2, division 3 commences on a day to be fixed by proclamation. 13
14

Part 2 Amendment of Residential Tenancies and Rooming Accommodation Act 2008 15
16
17

Division 1 Preliminary 18

Clause 3 Act amended 19

This part amends the *Residential Tenancies and Rooming Accommodation Act 2008*. 20
21

Division 2	Amendments commencing on assent	1 2
Clause 4	Amendment of s 29 (Act applies to certain residential tenancy agreements etc.)	3 4
	Section 29(2), example 3—	5
	<i>omit, insert—</i>	6
	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.	7 8 9
Clause 5	Amendment of s 44 (Rooming accommodation agreements to which Act does not apply)	10 11
	Section 44(3)—	12
	<i>omit, insert—</i>	13
	(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.	14 15 16 17
Clause 6	Insertion of new s 44A	18
	After section 44—	19
	<i>insert—</i>	20
	44A Boarders and lodgers	21
	(1) This Act does not apply to a rooming accommodation agreement if the resident is a boarder or lodger.	22 23 24
	(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.	25 26 27 28 29

Clause 8	Amendment of s 61 (Written agreements required)	1
	Section 61(2)—	2
	<i>insert—</i>	3
	(c) include the day the rent for the premises was	4
	last increased, within the meaning of section	5
	93, at the time the agreement is entered into.	6
Clause 9	Amendment of s 73 (Standard terms)	7
	Section 73(2), note, ‘section 77(2)’—	8
	<i>omit, insert—</i>	9
	section 77(2)(a)	10
Clause 10	Insertion of new s 76AA	11
	After section 76—	12
	<i>insert—</i>	13
	76AA Offer of rooming accommodation must be for rent at a fixed amount	14 15
	(1) A person must not advertise or otherwise offer	16
	rooming accommodation for rental premises	17
	unless a fixed amount is stated in the	18
	advertisement or offer as the amount of rent for	19
	the rental premises.	20
	Maximum penalty—50 penalty units.	21
	(2) A person must not accept a rental bond from the	22
	resident of rental premises if the rooming	23
	accommodation for the rental premises was	24
	advertised or offered without stating a fixed	25
	amount of rent for the rental premises.	26
	Maximum penalty—50 penalty units.	27
	(3) A person must not solicit or otherwise invite an	28
	offer, or accept an offer, of an amount for rooming	29
	accommodation for rental premises that is more	30

than the fixed amount stated in an advertisement 1
or offer as the amount of rent for the rental 2
premises. 3

Maximum penalty—50 penalty units. 4

- (4) A person does not contravene this section merely 5
by placing a sign on or near rental premises 6
advertising or offering rooming accommodation 7
for the rental premises without stating the amount 8
of rent for the rental premises on the sign. 9

Clause 11 Amendment of s 77 (Written agreement required) 10

- (1) Section 77(1), penalty— 11

omit, insert— 12

Maximum penalty—40 penalty units. 13

- (2) Section 77(2)— 14

omit, insert— 15

- (2) The written agreement must include— 16

(a) the standard terms for the agreement; and 17

(b) any special terms of the agreement; and 18

(c) the day the rent for the resident's room was 19
last increased, within the meaning of section 20
105B, at the time the agreement is entered 21
into. 22

Clause 12 Insertion of new s 82A 23

Before section 83— 24

insert— 25

82A Meaning of *exempt lessor* 26

In this division, a lessor of premises is an *exempt* 27
lessor if— 28

-
- (a) the lessor receives funding for the premises 1
under the *Housing Act 2003* if the amount of 2
rent payable for the premises is determined 3
by household income; or 4
- Examples—* 5
- a community housing provider 6
 - a specialist homelessness service 7
- (b) the lessor receives funding for the premises 8
that is the subject of a funding declaration 9
under the *Community Services Act 2007* if 10
the amount of rent payable for the premises 11
is determined by household income; or 12
- (c) the lessor is the chief executive of the 13
housing department, acting on behalf of the 14
State; or 15
- (d) the lessor is the State and the tenant is an 16
officer or employee of the State; or 17
- (e) the lessor is the replacement lessor under a 18
community housing provider tenancy 19
agreement; or 20
- (f) the lessor is prescribed by regulation to be 21
an exempt lessor. 22

Clause 13 Amendment of s 87 (Rent in advance) 23

(1) Section 87(1)— 24

omit, insert— 25

(1) A person must not accept an amount for payment 26
of rent in advance for a residential tenancy for 27
premises if the amount is more than— 28

(a) for a periodic agreement or an agreement for 29
moveable dwelling premises—2 weeks rent; 30
or 31

(b) for another agreement—4 weeks rent. 32

	Maximum penalty—50 penalty units.	1
(2)	Section 87(2), ‘lessor or lessor’s agent’—	2
	<i>omit, insert—</i>	3
	person	4
Clause 14	Amendment of s 91 (Rent increases)	5
(1)	Section 91(1)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See also section 93 for the minimum period before rent can be increased under a residential tenancy agreement.	9 10
(2)	Section 91(3)—	11
	<i>insert—</i>	12
	(c) the day the rent was last increased for the premises.	13 14
(3)	Section 91(8), ‘section 93’—	15
	<i>omit, insert—</i>	16
	sections 93 and 93A	17
Clause 15	Amendment of s 93 (Minimum period before rent can be increased)	18 19
(1)	Section 93(1) and (2)—	20
	<i>omit, insert—</i>	21
	(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.	22 23 24 25
	Maximum penalty—20 penalty units.	26
	(2) For this section, rent is <i>increased</i> for the residential premises if—	27 28

-
- (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 1
2
- (b) to the extent the rent payable under a residential tenancy agreement is increased under an order of the tribunal under section 93B. 3
4
5
6
- (3) Section 93(6)— 7
omit. 8
- (4) Section 93(2A) to (5)— 9
renumber as section 93(3) to (7). 10

Clause 16 Insertion of new ss 93A and 93B 11

After section 93— 12

insert— 13

93A Evidence of last rent increase 14

- (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. 15
16
17
18

Examples of evidence of the day of the last rent increase— 19

- a copy of a previous residential tenancy agreement for the residential premises 20
21
- a written rent increase notice for the residential premises 22
23
- a copy of the rent ledger for the residential premises 24

- (2) The lessor or lessor’s agent must give the tenant the evidence within 14 days after receiving the request. 25
26
27

Maximum penalty—40 penalty units. 28

- (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. 29
30
31
32

93B Tribunal order about rent increase

- 1
- (1) This section applies if a lessor reasonably believes 2
the lessor would be caused undue hardship 3
because the lessor is not able to increase the rent 4
payable under a residential tenancy agreement 5
during the 12-month period mentioned in section 6
93(1). 7
- (2) The lessor may apply to a tribunal for an order 8
mentioned in subsection (3). 9
- (3) The tribunal may make an order permitting the 10
lessor to increase the rent payable under the 11
residential tenancy agreement by a stated amount. 12
- (4) In deciding the application, the tribunal must have 13
regard to any representation made by a tenant 14
under the residential tenancy agreement about the 15
proposed rent increase and its likely effect on— 16
- (a) the affordability of the premises; and 17
- (b) the tenant’s ability to continue to pay the 18
rent for the premises. 19
- (5) This section does not apply in relation to an 20
exempt lessor or an agent of an exempt lessor. 21

Clause 17 Amendment of s 94 (Rent decreases) 22

Section 94— 23

insert— 24

- (5) Subsection (6) applies if the rent payable under an 25
agreement— 26
- (a) is decreased under this section or by order of 27
a tribunal; and 28
- (b) later reverts to the rent payable before the 29
decrease. 30
- (6) The change in rent payable under the agreement 31
mentioned in subsection (5)(b) is taken not to be a 32

	rent increase for section 91 or 93.	1
Clause 18	Amendment of s 101 (Rent in advance)	2
	(1) Section 101(1)—	3
	<i>omit, insert—</i>	4
	(1) A person must not accept an amount for payment of rent in advance for rooming accommodation for rental premises that is more than 2 weeks rent.	5 6 7
	Maximum penalty—50 penalty units.	8
	(2) Section 101(2), ‘provider or provider’s agent’—	9
	<i>omit, insert—</i>	10
	person	11
Clause 19	Amendment of s 105B (Minimum period before rent can be increased)	12 13
	(1) Section 105B(1) and (2)—	14
	<i>omit, insert—</i>	15
	(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.	16 17 18 19
	Maximum penalty—20 penalty units.	20
	(2) For this section, rent is <i>increased</i> for the resident’s room if—	21 22
	(a) a rent increase happens during the term of a rooming accommodation agreement; or	23 24
	(b) a new rooming accommodation agreement (a <i>new agreement</i>) is entered into for the resident’s room and, immediately before rent becomes payable under the new agreement, either—	25 26 27 28 29

-
- (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 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).

Clause 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.

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. 1

105E Tribunal order about rent increase 2

- (1) This section applies if a provider reasonably 3
believes the provider would be caused undue 4
hardship because the provider is not able to 5
increase the rent payable under a rooming 6
accommodation agreement during the 12-month 7
period mentioned in section 105B(1). 8
- (2) The provider may apply to a tribunal for an order 9
mentioned in subsection (3). 10
- (3) The tribunal may make an order permitting the 11
provider to increase the rent payable under the 12
rooming accommodation agreement by a stated 13
amount. 14
- (4) In deciding the application, the tribunal must have 15
regard to any representation made by a resident 16
under the rooming accommodation agreement 17
about the proposed rent increase and its likely 18
effect on— 19
- (a) the affordability of the resident’s room; and 20
- (b) the resident’s ability to continue to pay the 21
rent for the room. 22

Clause 21 Insertion of new s 107A 23

After section 107— 24

insert— 25

107A Rent decreases 26

- (1) This section applies if the rent payable under 27
a rooming accommodation agreement— 28
- (a) is decreased under section 106 or 107 29
or by order of a tribunal; and 30

	(b) later reverts to the rent payable before the decrease.	1 2
	(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.	3 4 5 6
Clause 22	Amendment of s 136E (Payment of rental bond after dispute resolution process)	7 8
	Section 136E(2)(d)(iii), after ‘withdrawn’—	9
	<i>insert—</i>	10
	or dismissed	11
Clause 23	Replacement of s 138 (Payment to rental bond supplier)	12
	Section 138—	13
	<i>omit, insert—</i>	14
	138 Payment to rental bond supplier	15
	(1) This section applies if—	16
	(a) all or part of a rental bond is payable to a contributor for the bond; and	17 18
	(b) all or part of the contributor’s part of the bond was provided by way of loan from the housing department; and	19 20 21
	(c) an amount of the loan is owing to the housing department.	22 23
	(2) The authority must pay the contributor’s part of the rental bond as follows—	24 25
	(a) to the extent of the amount owing to the housing department—to the housing department;	26 27 28
	(b) the remainder, if any, to the contributor.	29

Clause 24	Amendment of s 148 (Order for return of bond if bond wrongfully taken)	1
		2
	Section 148(1)(b), after ‘section 76A(2)’—	3
	<i>insert—</i>	4
	or 76AA(2)	5
Clause 25	Insertion of new s 155A	6
	After section 155—	7
	<i>insert—</i>	8
	155A Transfer of rental bond	9
	(1) This section applies if a rental bond has been paid for a residential tenancy agreement or rooming accommodation agreement.	10 11 12
	(2) The authority may, in the circumstances prescribed by regulation, transfer all or part of the rental bond to another agreement (the <i>new agreement</i>).	13 14 15 16
	(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.	17 18 19 20
	(4) Without limiting subsection (2), a regulation may provide for the following matters—	21 22
	(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;	23 24 25 26
	(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;	27 28 29 30
	(c) how a provision of this Act relating to the making of claims against the rental bond	31 32

	applies in relation to a rental bond	1
	transferred under this section.	2
	(5) This section and any regulation made under this	3
	section expire 2 years after this section	4
	commences.	5
Clause 26	Insertion of new ch 3, pt 5, div 1, sdiv 1	6
	Before section 207—	7
	<i>insert—</i>	8
	Subdivision 1 Fixtures and structural	9
	changes generally	10
	206A Application of subdivision	11
	(1) This subdivision applies in relation to attaching a	12
	fixture, or making a structural change, to	13
	premises.	14
	(2) However, this subdivision does not apply if	15
	subdivision 2 applies in relation to the attachment	16
	of the fixture or the making of the structural	17
	change.	18
Clause 27	Insertion of new ch 3, pt 5, div 1, sdiv 2	19
	After section 209—	20
	<i>insert—</i>	21
	Subdivision 2 Fixtures and structural	22
	changes for safety,	23
	security or accessibility	24
	209B Attaching fixtures or making structural	25
	changes for safety, security or accessibility	26
	A fixture may be attached, or a structural change	27

	may be made, to premises if the fixture or structural change—	1 2
	(a) is necessary for a tenant’s safety, security or accessibility; and	3 4
	(b) is attached or made in the circumstances, and in accordance with any requirements, prescribed by regulation.	5 6 7
Clause 28	Amendment of s 245 (Injury to domestic associate)	8
	Section 245(2) and (7), ‘the tenant’—	9
	<i>omit, insert—</i>	10
	the sole tenant	11
Clause 29	Insertion of new ch 4, pt 1, div 1, hdg	12
	Before section 247—	13
	<i>insert—</i>	14
	Division 1 Provider’s obligations	15
Clause 30	Insertion of new ch 4, pt 1, div 2, hdg	16
	Before section 250—	17
	<i>insert—</i>	18
	Division 2 Locks and keys	19
Clause 31	Insertion of new ch 4, pt 1, div 3, hdg	20
	Before section 253—	21
	<i>insert—</i>	22
	Division 3 Resident’s obligations	23

Clause 32	Insertion of new ch 4, pt 1, div 4, hdg and sdiv 1	1	
	Before section 254—	2	
	<i>insert—</i>	3	
	Division 4	Fixtures and structural changes	4
			5
	Subdivision 1	Fixtures and structural changes generally	6
			7
	253A Application of subdivision		8
	(1) This subdivision applies in relation to attaching a fixture, or making a structural change, to rental premises.		9
			10
			11
	(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.		12
			13
			14
			15
Clause 33	Insertion of new ch 4, pt 1, div 4, sdiv 2	16	
	After section 256—	17	
	<i>insert—</i>	18	
	Subdivision 2	Fixtures and structural changes for safety, security or accessibility	19
			20
			21
	256AA Attaching fixtures or making structural changes for safety, security or accessibility		22
			23
	A fixture may be attached, or a structural change may be made, to rental premises if the fixture or structural change—		24
			25
			26

	(a) is necessary for a resident’s safety, security or accessibility; and	1 2
	(b) is attached or made in the circumstances, and in accordance with any requirements, prescribed by regulation.	3 4 5
Clause 34	Amendment of s 259 (Entry after giving notice)	6
	Section 259(1)—	7
	<i>insert—</i>	8
	(f) to install, maintain or replace a smoke alarm.	9 10
Clause 35	Amendment of s 277 (Ending of residential tenancy agreements)	11 12
	Section 277—	13
	<i>insert—</i>	14
	<i>Note—</i>	15
	See also the <i>Body Corporate and Community Management Act 1997</i> for the termination of a residential tenancy agreement if a community titles scheme is terminated.	16 17 18 19
Clause 36	Insertion of new s 292	20
	After section 291—	21
	<i>insert—</i>	22
	292 Notice to leave for end of agreed short tenancy period	23 24
	(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.	25 26 27 28
	(2) The lessor may give a notice to leave the premises to the tenant relating to the ending of the tenant’s	29 30

	occupation of the premises at the end of—	1
	(a) the base period; or	2
	(b) if a short tenancy (extension) statement has been made—the extended period.	3 4
(3)	A notice to leave under this section must be given at least 2 days before the period mentioned in subsection (2) ends.	5 6 7
(4)	A notice to leave under this section is called a notice to leave for <i>end of short tenancy (moveable dwelling)</i> .	8 9 10
Clause 37	Insertion of new s 307E	11
	After section 307D—	12
	<i>insert—</i>	13
	307E Notice of intention to leave for end of agreed short tenancy period	14 15
(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.	16 17 18 19
(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—	20 21 22 23
	(a) the base period; or	24
	(b) if a short tenancy (extension) statement has been made—the extended period.	25 26
(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.	27 28 29
(4)	A notice of intention to leave under this section is called a notice of intention to leave for <i>end of short tenancy (moveable dwelling)</i> .	30 31 32

Clause 38	Amendment of s 308I (Confidentiality)	1
(1)	Section 308I(1), ‘evidence supporting’—	2
	<i>omit, insert</i> —	3
	relevant information in relation to	4
(2)	Section 308I(1)(c) and (2), ‘evidence’—	5
	<i>omit, insert</i> —	6
	relevant information	7
(3)	Section 308I—	8
	<i>insert</i> —	9
	(3) In this section—	10
	<i>relevant information</i> , for a notice ending tenancy interest, means—	11 12
	(a) evidence supporting the notice; or	13
	(b) personal information about the tenant who gives the notice, including information about the tenant’s intention to vacate the premises.	14 15 16 17
Clause 39	Amendment of s 326 (Notice to leave)	18
(1)	Section 326—	19
	<i>insert</i> —	20
	(6A) Also, for a notice to leave for end of short tenancy (moveable dwelling), the handover day must be the last day of—	21 22 23
	(a) the base period; or	24
	(b) if a short tenancy (extension) statement has been made—the extended period.	25 26
(2)	Section 326(6A) and (7)—	27
	<i>renumber</i> as section 326(7) and (8).	28

Clause 40	Amendment of s 327 (Notice of intention to leave)	1
	(1) Section 327—	2
	<i>insert—</i>	3
	(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—	4
	(a) the base period; or	5
	(b) if a short tenancy (extension) statement has been made—the extended period.	6
	(2) Section 327(5), ‘Subsection (4)’—	7
	<i>omit, insert—</i>	8
	Subsection (5)	9
	(3) Section 327(2A) to (6)—	10
	<i>renumber</i> as section 327(3) to (7).	11
		12
Clause 41	Amendment of s 366 (Ending of rooming accommodation agreements)	13
	Section 366—	14
	<i>insert—</i>	15
	<i>Note—</i>	16
	See also the <i>Body Corporate and Community Management Act 1997</i> for the termination of a rooming accommodation agreement if a community titles scheme is terminated.	17
		18
		19
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Clause 42	Amendment of s 380C (Notice to leave if entitlement to student accommodation ends)	24
	Section 380C, heading, ‘to leave’—	25
	<i>omit, insert—</i>	26
	terminating agreement	27
		28

Clause 43	Amendment of s 381I (Confidentiality)	1
(1)	Section 381I(1), ‘evidence supporting’—	2
	<i>omit, insert—</i>	3
	relevant information in relation to	4
(2)	Section 381I(1)(c) and (2), ‘evidence’—	5
	<i>omit, insert—</i>	6
	relevant information	7
(3)	Section 381I—	8
	<i>insert—</i>	9
	(3) In this section—	10
	<i>relevant information</i> , for a notice ending	11
	residency interest, means—	12
	(a) evidence supporting the notice; or	13
	(b) personal information about the resident who	14
	gives the notice, including information	15
	about the resident’s intention to leave the	16
	rental premises.	17
Clause 44	Amendment of s 393 (Item other than personal document or money)	18
(1)	Section 393—	19
	<i>insert—</i>	20
	(3A) Without limiting subsection (3)(a), reasonable	21
	efforts to contact the former resident include the	22
	following—	23
	(a) attempting to contact the former resident by	24
	telephone, including text message, email or	25
	private message on a social media platform;	26
	(b) attempting to contact an emergency contact	27
	listed in the rooming accommodation	28
	agreement;	29
		30

	(c) publishing a notice in an online newspaper for the city or State in which the former resident is or was residing.	1 2 3
(2)	Section 393(4)(b)— <i>omit, insert—</i>	4 5
	(b) sell or dispose of the property.	6
(3)	Section 393(5), ‘subsection (4)(b)’— <i>omit, insert—</i>	7 8
	subsection (5)(b)	9
(4)	Section 393(3A) to (7)— <i>renumber</i> as section 393(4) to (8).	10 11
Clause 45	Insertion of new s 519A	12
	After section 519— <i>insert—</i>	13 14
	519A Code of conduct	15
	(1) A regulation may prescribe a code of conduct.	16
	(2) A provision of a code of conduct is a <i>conduct provision</i> .	17 18
	(3) A conduct provision may apply to the conduct of agents, lessors, providers, tenants or residents.	19 20
	(4) A conduct provision must not be inconsistent with a provision of—	21 22
	(a) the <i>Agents Financial Administration Act 2014</i> ; or	23 24
	(b) the <i>Property Occupations Act 2014</i> .	25
	(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.	26 27 28

Clause 46	Amendment of s 527A (Definitions for ch 13A)	1
	Section 527A, definition <i>replacement lessor</i> , second occurrence—	2
		3
	<i>omit.</i>	4
Clause 47	Insertion of new ch 14, pt 8	5
	Chapter 14—	6
	<i>insert—</i>	7
	Part 8	8
	Transitional provisions	9
	for Residential	10
	Tenancies and	11
	Rooming	12
	Accommodation and	13
	Other Legislation	14
	Amendment Act 2024	14
	Division 1	15
	Preliminary	15
	577 Definitions for part	16
	In this part—	17
	<i>amending Act</i> means the <i>Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024</i> .	18
		19
		20
	<i>former</i> , 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.	21
		22
		23
		24
	<i>new</i> , for a provision of this Act, means the provision as in force from the commencement of the provision in which the term is used.	25
		26
		27

Division 2	Provisions commencing on assent	1 2
578 Existing agreements not required to include date of last rent increase		3 4
(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.		5 6 7 8 9
(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.		10 11 12 13 14
579 Rent increases before the commencement relevant to working out 12-month period—s 93		15 16
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.		17 18 19 20 21
580 Rent increases before the commencement relevant to working out 12-month period—s 105B		22 23 24
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.		25 26 27 28 29

- 581 Payment of rental bond after dispute resolution process and application dismissed by tribunal** 1
2
3
- (1) This section applies if, before the commencement— 4
5
- (a) the authority received an application for payment of a rental bond under section 125; and 6
7
8
- (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 9
10
11
12
- (c) 1 or more dispute resolution requests were made about the payment under section 136A; and 13
14
15
- (d) the conciliation process for each dispute resolution request ended without a conciliated resolution; and 16
17
18
- (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 19
20
21
22
23
- (f) the rental bond had not been paid. 24
- (2) New section 136E applies in relation to the payment of the rental bond. 25
26

- Clause 48 Amendment of sch 1 (Notice periods)** 27
- (1) Schedule 1, part 1, division 3, table— 28
insert— 29

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— 1
insert— 2

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

- Clause 49 Amendment of sch 2 (Dictionary)** 3
- (1) Schedule 2, definitions *rental bond supplier* and *replacement lessor* both occurrences— 4
omit. 5 6
- (2) Schedule 2— 7
insert— 8
end of short tenancy (moveable dwelling)— 9
(a) for a notice to leave, see section 292(4); or 10
(b) for a notice of intention to leave, see section 307E(4). 11 12
exempt lessor, for chapter 2, part 2, division 1, see section 82A. 13 14
extended period see section 48(1). 15
replacement lessor see section 527A. 16
- (3) Schedule 2, definition *personal information*, ‘, for chapter 9,’— 17 18
omit. 19

Division 3 Amendments commencing by proclamation 20 21

- Clause 50 Insertion of new ss 57B–57D** 22
After section 57A— 23

insert—

57B Application for residential tenancy

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- 32
- (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 an exempt lessor or an agent of an exempt 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. 1
2
- (7) In this section— 3
- exempt lessor** means— 4
- (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 5
6
7
8
- (b) a lessor who receives funding for the premises that is the subject of a funding declaration under the *Community Services Act 2007*; or 9
10
11
12
- (c) a lessor who is the chief executive of the housing department, acting on behalf of the State; or 13
14
15
- (d) a lessor who is the State, if the tenant is an officer or employee of the State; or 16
17
- (e) a lessor who is the replacement lessor under a community housing provider tenancy agreement; or 18
19
20
- (f) a lessor prescribed by regulation to be an exempt lessor. 21
22
- restricted way**, for submitting an application, means— 23
24
- (a) a way that involves a prospective tenant using an online platform to give personal information to a person, other than the lessor, who— 25
26
27
28
- (i) collects the information on behalf of the lessor; and 29
30
- (ii) is not a real estate agent; or 31
- (b) a way prescribed by regulation to be a restricted way. 32
33

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
- (1) A prospective tenant may give identity documents 2
to a lessor or lessor’s agent to verify the 3
prospective tenant’s identity by— 4
- (a) giving a copy of the original identity 5
document; or 6
- (b) allowing the lessor or lessor’s agent to 7
access or sight the original identity 8
document. 9
- (2) If a document is accessed or sighted by the lessor 10
or lessor’s agent under subsection (1)(b), the 11
lessor or lessor’s agent must not keep a copy of 12
the original identity document without the 13
prospective tenant’s consent. 14
- Maximum penalty—20 penalty units. 15

Clause 51 Insertion of new ss 76C–76E

16
After section 76B— 17
insert— 18

76C Application for rooming accommodation

- 19
- (1) This section applies if a provider or provider’s 20
agent requires a prospective resident to apply for 21
rooming accommodation. 22
- (2) The provider or provider’s agent must require the 23
prospective resident to apply for the rooming 24
accommodation using the required application 25
form. 26
- Maximum penalty—20 penalty units. 27
- (3) For subsection (2), the *required application form* 28
is an approved form that requires only the 29
following information— 30
- (a) the name and contact details of the 31
prospective resident; 32

-
- (b) details of any previous residential tenancy agreements or rooming accommodation agreements the prospective resident has been a party to; 1
2
3
4
- (c) the prospective resident's current employment; 5
6
- (d) details about the prospective resident's income; 7
8
- (e) referees for the prospective resident; 9
- (f) the intended term of the residency interest; 10
- (g) any other information prescribed by regulation. 11
12
- (4) The provider or provider's agent must nominate at least 2 ways for the prospective resident to submit the application. 13
14
15
Maximum penalty—20 penalty units. 16
- (5) For subsection (4), at least 1 of the nominated ways must be a way that is not a restricted way. 17
18
- (6) In this section— 19
restricted way, for submitting an application, means— 20
21
- (a) a way that involves a prospective resident using an online platform to give personal information to a person, other than the provider, who— 22
23
24
25
- (i) collects the information on behalf of the provider; and 26
27
- (ii) is not a real estate agent; or 28
- (b) a way prescribed by regulation to be a restricted way. 29
30

76D Request for information for application	1
(1) A provider or provider’s agent may request information about a prospective resident only if—	2 3
(a) the information is of a type mentioned in section 76C(3); or	4 5
(b) the information comprises no more than 2 documents in each of the following categories—	6 7 8
(i) documents verifying the identity of the prospective resident;	9 10
(ii) documents about the prospective resident’s financial ability to pay rent;	11 12
(iii) documents about the suitability of the prospective resident for the rooming accommodation.	13 14 15
Maximum penalty—20 penalty units.	16
(2) However, a provider or provider’s agent must not request information about a prospective resident in relation to the following—	17 18 19
(a) legal action taken by the prospective resident, including dispute resolution or matters considered by the tribunal;	20 21 22
(b) a notice to remedy breach given to the prospective resident by a lessor or provider;	23 24
(c) a notice to remedy breach given by the prospective resident to a lessor or provider;	25 26
(d) the prospective resident’s history in relation to rental bonds, including any claim on a rental bond;	27 28 29
(e) statements of credit accounts or bank accounts belonging to the prospective resident detailing transactions.	30 31 32
Maximum penalty—20 penalty units.	33

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.

Clause 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. 1
2
- 84 Changes to way rent to be paid by agreement** 3
- (1) This section applies if, after signing a residential tenancy agreement— 4
5
- (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 6
7
8
9
- (b) the other party agrees in writing (the *rent agreement*) to payments of rent being made in the stated way. 10
11
12
- (2) While the rent agreement remains in effect, the stated way under the rent agreement applies despite the residential tenancy agreement. 13
14
15
- 84A Changes to way rent to be paid—no agreement** 16
- (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. 17
18
19
20
21
- (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— 22
23
24
25
- (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 26
27
28
29
- (b) is reasonably available to the tenant. 30
- (3) From the day that is 14 days after the tenant is given the notice, the tenant must pay the rent in a 31
32

way stated in the notice. 1

84B Tenant must be advised about associated costs and benefits 2
3

(1) A lessor or lessor’s agent must comply with subsection (2) and (3) before— 4
5

(a) a tenant enters into a residential tenancy agreement; or 6
7

(b) a tenant enters into a rent agreement under section 84; or 8
9

(c) a notice is given to the tenant under section 84A. 10
11

(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— 12
13
14
15

(a) the tenant would not reasonably be aware of the costs; and 16
17

(b) the lessor or lessor’s agent knows or could reasonably be expected to find out about the costs. 18
19
20

Maximum penalty—40 penalty units. 21

(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. 22
23
24
25

Maximum penalty—20 penalty units. 26

Clause 53 Replacement of ss 98 and 99 27

Sections 98 and 99— 28

omit, insert— 29

98 How rent is to be paid	1
(1) A resident must pay the rent in a way stated in the rooming accommodation agreement.	2 3
(2) The provider or provider's agent must ensure—	4
(a) the rooming accommodation agreement states at least 2 ways for the resident to pay the rent; and	5 6 7
(b) at least 1 of the ways for the resident to pay rent stated in the agreement—	8 9
(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	10 11 12 13
(ii) is reasonably available to the resident.	14
(3) This section applies subject to sections 99 and 99A.	15 16
99 Changes to way rent to be paid by agreement	17
(1) This section applies if, after signing a rooming accommodation agreement—	18 19
(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	20 21 22 23
(b) the other party agrees in writing (the <i>rent agreement</i>) to payments of rent being made in the stated way.	24 25 26
(2) While the rent agreement remains in effect, the stated way under the rent agreement applies despite the rooming accommodation agreement.	27 28 29
99A Changes to way rent to be paid—no agreement	30
(1) This section applies if, after signing a rooming	31

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. 1
2
3

Maximum penalty—40 penalty units. 4

(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. 5
6
7
8

Maximum penalty—20 penalty units. 9

Clause 54 Insertion of new s 136AA 10

After section 136A— 11

insert— 12

136AA Evidence of claim on rental bond to be given to tenant or resident 13
14

(1) This section applies if— 15

(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 16
17
18
19

(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. 20
21
22
23

(2) The lessor or provider must, within the period mentioned in subsection (3), give the tenant or resident evidence supporting— 24
25
26

(a) the claim on all or part of the rental bond; or 27

(b) the dispute resolution request about the payment of all or part of the rental bond. 28
29

Maximum penalty—20 penalty units. 30

Examples of evidence— 31

receipts, quotes to repair damage, records of unpaid rent 32

	(3) For subsection (2), the period is 14 days after the day the application or dispute resolution request is made.	1 2 3
	(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.	4 5 6 7
	(5) Without limiting subsection (4), reasonable efforts to contact the tenant or resident include the following—	8 9 10
	(a) attempting to contact the tenant or resident by telephone, including text message, email or private message on a social media platform;	11 12 13 14
	(b) attempting to contact an emergency contact listed in the agreement.	15 16
	(6) Section 525(2) and (3) applies as if—	17
	(a) this section were a provision of this Act that requires the provider to give a notice to the resident; and	18 19 20
	(b) a reference in section 525(2) or (3) to a notice were a reference to the evidence mentioned in subsection (2).	21 22 23
Clause 55	Amendment of s 146 (Payments above maximum amount)	24
	Section 146(3) and (4)—	25
	<i>omit.</i>	26
Clause 56	Amendment of s 165 (General service charges for premises other than moveable dwelling premises)	27 28
	Section 165—	29
	<i>insert—</i>	30
	(4) If the tenant is required to pay an amount for	31

	outgoings to which subsection (3)(b)(ii) applies,	1
	the lessor must give the tenant a copy of a	2
	document issued by the relevant supply authority	3
	showing the amount charged by the authority for	4
	the thing, service or facility.	5
	(5) The lessor must comply with subsection (4)	6
	within 4 weeks after the lessor receives the	7
	document.	8
	(6) Despite subsection (3), the tenant is not required	9
	to pay an amount for outgoings to which	10
	subsection (3)(b)(ii) applies if the tenant has not	11
	received the document mentioned in subsection	12
	(4).	13
Clause 57	Amendment of s 166 (Water service charges for premises other than moveable dwelling premises)	14
	(1) Section 166—	15
	<i>insert—</i>	16
	(6A) If the tenant is required to pay an amount for water	17
	consumption charges, the lessor must give the	18
	tenant a copy of a document issued by the relevant	19
	water supplier showing the amount of the water	20
	consumption charges payable to the supplier.	21
	(6B) The lessor must comply with subsection (7)	22
	within 4 weeks after the lessor receives the	23
	document.	24
	(6C) Despite subsections (2) to (5), the tenant is not	25
	required to pay an amount for water consumption	26
	charges if the tenant has not received the	27
	document mentioned in subsection (7).	28
	(2) Section 166(6A) to (9)—	29
	<i>renumber</i> as section 166(7) to (12).	30
		31

Clause 58	Amendment of s 167 (Service charges for moveable dwelling premises individually metered)	1
		2
	Section 167—	3
	<i>insert—</i>	4
	(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 6 7 8 9 10
	(5) The lessor must comply with subsection (4) within 4 weeks after the lessor receives the document.	11 12 13
	(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).	14 15 16 17 18
Clause 59	Amendment of s 170 (Charge for utility service)	19
	(1) Section 170—	20
	<i>insert—</i>	21
	(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.	22 23 24 25 26 27
	(2B) The provider must comply with subsection (3) within 4 weeks after the provider receives the document.	28 29 30
	(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).	31 32 33 34

- (2) Section 170(2A) to (3)— 1
renumber as section 170(3) to (6). 2

- Clause 60 Amendment of s 173 (Certain terms about penalties and other payments void)** 3
4
Section 173(2), ‘reasonable’— 5
omit. 6

- Clause 61 Amendment of s 178 (Certain terms about penalties and other payments void)** 7
8
Section 178(2), ‘reasonable’— 9
omit. 10

- Clause 62 Amendment of s 193 (Notice of entry)** 11
(1) Section 193(1)(c)(ii), ‘24 hours’— 12
omit, insert— 13
48 hours 14
(2) Section 193(1)(c)(ii), example, ‘Wednesday’— 15
omit, insert— 16
Thursday 17

- Clause 63 Insertion of new s 195A** 18
After section 195— 19
insert— 20
195A When lessor or lessor’s agent may enter—notice to leave or notice of intention to leave given 21
22
23
(1) This section applies if— 24
(a) a notice to leave the premises has been given 25
by the lessor to the tenant; or 26

	(b) a notice of intention to leave the premises has been given by the tenant to the lessor.	1 2
	(2) The lessor or lessor’s agent must not enter the premises more than twice in a 7-day period.	3 4
	(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).	5 6 7
Clause 64	Replacement of ss 207–209	8
	Sections 207 to 209—	9
	<i>omit, insert—</i>	10
	207 Process for approval to attach fixtures or make structural changes—body corporate approval	11 12
	(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.	13 14 15 16 17
	(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.	18 19 20
	(3) The lessor must—	21
	(a) decide the tenant’s request within 28 days after receiving the request; and	22 23
	(b) advise the tenant of the lessor’s decision; and	24 25
	(c) if the lessor approves the request—state that the lessor’s approval is subject to agreement by the body corporate.	26 27 28
	(4) If the lessor approves the request, the lessor must give the request to the body corporate within 28 days after receiving the request.	29 30 31
	(5) The lessor must advise the tenant as soon as	32

reasonably practicable of the body corporate's
decision about the request. 1
2

(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— 3
4
5

(a) in accordance with the lessor's agreement;
and 6
7

(b) subject to any conditions of the agreement
given by the lessor. 8
9

Note— 10

See also section 209. 11

**208 Process for approval to attach fixtures and
make structural changes—lessor approval** 12
13

(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. 14
15
16

(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. 17
18
19

(3) The lessor— 20

(a) must decide the tenant's request within— 21

(i) 28 days after receiving the request; or 22

(ii) if agreed to by the tenant and lessor—a
longer period; and 23
24

(b) may either agree, or refuse to agree, to the
request; and 25
26

(c) if the request is agreed to—may give the
agreement subject to conditions. 27
28

Note— 29

See also section 209 in relation to the lessor's
agreement. 30
31

(4) The lessor must not act unreasonably in refusing 32

the request. 1

- (5) The tenant may attach the fixture, or make the structural change, to the premises in accordance with the lessor's agreement. 2
3
4

Note— 5

See also section 209A. 6

- (6) Also, the tenant may attach the fixture or make the structural change in accordance with an order of a tribunal. 7
8
9

Note— 10

See subdivision 3 for an order by a tribunal about attaching fixtures, or making structural changes, to premises. 11
12
13

209 Agreement about fixtures and structural changes 14 15

- (1) For sections 207 and 208, a lessor's agreement in relation to attaching a fixture, or making a structural change, to premises must— 16
17
18

(a) be in writing; and 19

(b) describe the nature of the fixture or structural change; and 20
21

(c) state any conditions of the agreement. 22

- (2) For an agreement about attaching a fixture to premises, the conditions may include terms about— 23
24
25

(a) maintenance obligations if the fixture is attached by the tenant; and 26
27

(b) whether the tenant may remove the fixture; and 28
29

(c) if removal of the fixture by the tenant is allowed— 30
31

- (i) when and how the removal may be performed; and 1
2
- (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 3
4
5
6
7
- (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. 8
9
10
11

209A Attaching fixture or making structural change without lessor's agreement 12
13

- (1) This section applies if— 14
 - (a) a tenant attaches a fixture, or makes a structural change, to premises; and 15
16
 - (b) under section 208, the lessor's agreement to the attachment of the fixture, or the making of the structural change, is required; and 17
18
19
 - (c) the tenant does not attach the fixture, or make the structural change, in accordance with the lessor's agreement. 20
21
22
- (2) The lessor may— 23
 - (a) waive the breach; and 24
 - (b) treat the fixture or structural change as an improvement to the premises for the lessor's benefit. 25
26
27
- (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. 28
29
30

Clause 65	Insertion of new ch 3, pt 5, div 1, sdiv 3	1
	Chapter 3, part 5, division 1—	2
	<i>insert—</i>	3
	Subdivision 3 Tribunal orders about fixtures and structural changes	4
		5
		6
	209C Tribunal order about attaching fixtures or making structural changes	7
		8
	(1) This section applies if—	9
	(a) a tenant makes a request to attach a fixture, or make a structural change, to premises under subdivision 1 or 2; and	10 11 12
	(b) the request is refused.	13
	(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.	14 15 16
	(3) The tribunal may make any order about the attachment of the fixture or making of the structural change that the tribunal considers appropriate.	17 18 19 20
	(4) In deciding the application, the tribunal may have regard to the following—	21 22
	(a) the potential for the proposed fixture or structural change to improve the safety, security and accessibility of the premises for the tenant;	23 24 25 26
	(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;	27 28 29 30 31

	(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;	1 2 3 4 5
	(d) whether building approvals are required for the proposed fixture or structural change;	6 7
	(e) whether the proposed fixture or structural change would need to be installed by a qualified tradesperson;	8 9 10
	(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;	11 12 13 14
	(g) for a proposed structural change—the extent to which the proposed structural change will modify the premises;	15 16 17
	(h) any other matter the tribunal considers relevant.	18 19
Clause 66	Amendment of s 211 (Changing locks)	20
	Section 211(6)—	21
	<i>omit.</i>	22
Clause 67	Replacement of ss 254–256	23
	Sections 254 to 256—	24
	<i>omit, insert—</i>	25
	254 Process for approval to attach fixtures or make structural changes—body corporate approval	26 27
	(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	28 29 30 31

of a fixture, or the making of a structural change, 1
to the premises. 2

(2) The resident may give the provider a request, in 3
the approved form, for approval to attach a fixture, 4
or make a structural change, to the rental 5
premises. 6

(3) The provider must— 7

(a) decide the resident’s request within 28 days 8
after receiving the request; and 9

(b) advise the resident of the provider’s 10
decision; and 11

(c) if the provider approves the request—state 12
that the provider’s approval is subject to 13
agreement by the body corporate. 14

(4) If the provider approves the request, the provider 15
must give the request to the body corporate within 16
28 days after receiving the request. 17

(5) The provider must advise the resident as soon as 18
reasonably practicable of the body corporate’s 19
decision about the request. 20

(6) If the provider and the body corporate agree to the 21
request, the resident may attach the fixture, or 22
make the structural change, to the premises— 23

(a) in accordance with the provider’s 24
agreement; and 25

(b) subject to any conditions of the agreement 26
given by the provider. 27

Note— 28

See also section 255A. 29

**255 Process for approval to attach fixtures and 30
make structural changes—provider approval 31**

(1) This section applies if section 254 does not apply 32

- in relation to the attaching of a fixture, or the making of a structural change, to premises. 1
2
- (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
4
5
6
- (3) The provider— 7
- (a) must decide the resident’s request within— 8
- (i) 28 days after receiving the request; or 9
- (ii) if agreed to by the resident and provider—a longer period; and 10
11
- (b) may either agree, or refuse to agree, to the request; and 12
13
- (c) if the request is agreed to—may give the agreement subject to conditions. 14
15
- Note—* 16
- See also section 255A in relation to the provider’s agreement. 17
18
- (4) The provider must not act unreasonably in refusing the request. 19
20
- (5) The resident may attach the fixture, or make the structural change, to the rental premises in accordance with the provider’s agreement. 21
22
23
- Note—* 24
- See also section 256. 25
- (6) Also, the resident may attach the fixture or make the structural change in accordance with an order of a tribunal. 26
27
28
- Note—* 29
- See subdivision 3 for an order by a tribunal about attaching fixtures, or making structural changes, to rental premises. 30
31
32

255A Agreement about fixtures and structural changes	1 2
(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—	3 4 5
(a) be in writing; and	6
(b) describe the nature of the fixture or structural change; and	7 8
(c) state any conditions of the agreement.	9
(2) For an agreement about attaching a fixture to premises, the conditions may include terms about—	10 11 12
(a) maintenance obligations if the fixture is attached by the resident; and	13 14
(b) whether the resident may remove the fixture; and	15 16
(c) if removal of the fixture by the resident is allowed—	17 18
(i) when and how the removal may be performed; and	19 20
(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	21 22 23 24 25 26
(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.	27 28 29 30 31

256 Attaching fixture or making structural change without provider's agreement	1
	2
(1) This section applies if—	3
(a) a resident attaches a fixture, or makes a structural change, to rental premises; and	4
	5
(b) under section 255, the provider's agreement to the attachment of the fixture, or the making of the structural change, is required; and	6
	7
	8
	9
(c) the resident does not attach the fixture, or make the structural change, in accordance with the provider's agreement.	10
	11
	12
(2) The provider may—	13
(a) waive the breach; and	14
(b) treat the fixture or structural change as an improvement to the rental premises for the provider's benefit.	15
	16
	17
(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.	18
	19
	20
	21

Clause 68	Insertion of new ch 4, pt 1, div 4, sdiv 3	22
	Chapter 4, part 1, division 4, as inserted by this Act—	23
	<i>insert—</i>	24
	Subdivision 3 Tribunal orders about fixtures and structural changes	25
		26
		27
	256AB Tribunal order about attaching fixtures or making structural changes	28
		29
	(1) This section applies if—	30

-
- (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;	1 2 3 4 5
	(g) for a proposed structural change—the extent to which the proposed structural change will modify the rental premises;	6 7 8
	(h) any other matter the tribunal considers relevant.	9 10
Clause 69	Amendment of s 259 (Entry after giving notice)	11
	(1) Section 259(2)—	12
	<i>omit, insert—</i>	13
	(2) The provider must give a written notice of the proposed entry to the resident—	14 15
	(a) for an entry under subsection (1)(a)—at least 24 hours before the entry; or	16 17
	(b) otherwise—at least 48 hours before the entry.	18 19
	(2) Section 259(4)—	20
	<i>omit, insert—</i>	21
	(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—	22 23 24
	(a) for an entry under subsection (1)(a)—at least 24 hours before the entry; or	25 26
	(b) otherwise—at least 48 hours before the entry.	27 28
	(3) Section 259(5)(c), ‘24 hours’—	29
	<i>omit, insert—</i>	30
	48 hours	31

Clause 70	Insertion of new s 259A	1
	After section 259—	2
	<i>insert—</i>	3
	259A When provider or provider’s agent may enter—notice to leave or notice of intention to leave given	4
		5
		6
	(1) This section applies if—	7
	(a) a provider gives a resident a notice under chapter 5, part 2 requiring the resident to leave the rental premises; or	8 9 10
	(b) a provider or a resident gives a notice under chapter 5, part 2 terminating a rooming accommodation agreement on a stated day.	11 12 13
	(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.	14 15 16
	(3) However, subsection (2) does not prevent the provider or provider’s agent from entering the resident’s room under section 257 or 260.	17 18 19
Clause 71	Amendment of s 262 (Entry by provider’s agent or other person)	20 21
	Section 262(1), after ‘259(1) and (2),’—	22
	<i>insert—</i>	23
	259A,	24
Clause 72	Amendment of s 357A (Reletting costs)	25
	(1) Section 357A(1), ‘pay the reasonable’—	26
	<i>omit, insert—</i>	27
	pay the	28
	(2) Section 357A(1)(b), ‘ends the agreement other than in a way permitted under this Act’—	29 30

<i>omit, insert—</i>	1
hands over vacant possession of the premises	2
(3) Section 357A(1)(c), ‘reasonable costs incurred by the lessor in reletting the premises’—	3 4
<i>omit, insert—</i>	5
reletting costs under this section	6
(4) Section 357A(2), ‘reletting costs’—	7
<i>omit, insert—</i>	8
the costs incurred by the lessor in reletting the premises	9 10
(5) Section 357A(2)(b), ‘chapter 5,’—	11
<i>omit.</i>	12
(6) Section 357A—	13
<i>insert—</i>	14
(3) The reletting costs payable by the tenant under this section in relation to a fixed term agreement are—	15 16 17
(a) for a fixed term of not more than 3 years, the lesser of—	18 19
(i) the amount of the reletting costs mentioned in subsection (4); or	20 21
(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	22 23 24 25 26 27
(b) for a fixed term of more than 3 years, the lesser of—	28 29
(i) an amount equal to 1 month’s rent for each 12-month period remaining of the term of the agreement, up to a	30 31 32

	maximum amount equal to 6 months rent; or	1 2
	(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.	3 4 5 6 7 8
(4)	For subsection (3)(a)(i), the amount of the reletting costs is—	9 10
	(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	11 12 13 14
	(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	15 16 17 18 19
	(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	20 21 22 23 24
	(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.	25 26 27 28
Clause 73	Amendment of s 396A (Reletting costs)	29
(1)	Section 396A(1), ‘reasonable costs incurred by the provider in reletting the resident’s room (<i>reletting costs</i>)’—	30 31
	<i>omit, insert—</i>	32
	costs incurred by the provider in reletting the resident’s room	33 34

- (2) Section 396A(1)(b), ‘ends the agreement other than in a way permitted under this Act’— 1
2
omit, insert— 3
leaves the rental premises 4
- (3) Section 396A(1)(c), ‘reasonable costs incurred by the provider in reletting the resident’s room’— 5
6
omit, insert— 7
the reletting costs under this section 8
- (4) Section 396A(2), ‘reletting costs’— 9
omit, insert— 10
the costs incurred by the provider in reletting the premises 11
12
- (5) Section 396A(2)(b), ‘chapter 5,’— 13
omit. 14
- (6) Section 396A— 15
insert— 16
- (3) The **reletting costs** payable by the resident under this section in relation to a fixed term agreement are— 17
18
(a) for a fixed term of not more than 3 years, the lesser of— 20
21
(i) the amount of the reletting costs mentioned in subsection (4); or 22
23
(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 24
25
26
27
28
(b) for a fixed term of more than 3 years, the lesser of— 29
30

	(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	1 2 3 4 5
	(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.	6 7 8 9 10
(4)		For subsection (3)(a)(i), the amount of the reletting costs is—	11 12
	(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	13 14 15 16
	(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	17 18 19 20
	(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	21 22 23 24
	(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.	25 26 27 28
Clause 74		Amendment of s 415 (Meaning of <i>urgent application</i>)	29
		Section 415(6), after 'chapter 9'—	30
		<i>insert—</i>	31
		, part 3	32

Clause 75	Amendment of s 420 (Orders about breach of agreements)	1
		2
	Section 420—	3
	<i>insert—</i>	4
	(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.	5
		6
		7
		8
Clause 76	Replacement of s 421 (Matters to which tribunal must have regard for orders for compensation)	9
		10
	Section 421—	11
	<i>omit, insert—</i>	12
	421 Matters to which tribunal must have regard for orders for compensation	13
		14
	Without limiting section 420(1)—	15
	(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	16
		17
		18
		19
		20
	(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.	21
		22
		23
		24
		25
Clause 77	Amendment of s 447 (False or misleading documents)	26
	Section 447(1) and (2), after ‘authorised person’—	27
	<i>insert—</i>	28
	or the authority	29

Clause 78	Replacement of ch 9, hdg (Tenancy databases)	1
	Chapter 9, heading—	2
	<i>omit, insert—</i>	3
	Chapter 9 Information about tenants	4
		5
	Part 1 Preliminary	6
Clause 79	Amendment of s 457 (Definitions for ch 9)	7
	(1) Section 457, heading—	8
	<i>omit, insert—</i>	9
	457 Definition for chapter	10
	(2) Section 457, definitions <i>database operator, inaccurate, list, out of date, social housing database</i> and <i>tenancy database—</i>	11
	<i>relocate</i> to section 457F, as inserted by this Act.	12
		13
	(3) Section 457, definition <i>personal information—</i>	14
	<i>omit, insert—</i>	15
	<i>personal information—</i>	16
	(a) means information or an opinion about an identified individual, or an individual who is reasonably identifiable—	17
		18
		19
	(i) whether the information or opinion is true or not; and	20
		21
	(ii) whether the information or opinion is recorded in a material form or not; and	22
		23
	(b) includes photographs or images of individuals' personal possessions or standard of living.	24
		25
		26

Clause 80	Insertion of new ch 9, pt 2 and ch 9, pt 3, hdg	1
	After section 457B—	2
	<i>insert—</i>	3
	Part 2	4
	Protection of personal information	5
	457C Definition for part	6
	In this part—	7
	<i>applicant</i> means—	8
	(a) a person who applies to a lessor or a lessor’s agent to enter into a residential tenancy agreement; or	9 10 11
	(b) a person who applies to a provider or a provider’s agent to enter into a rooming accommodation agreement.	12 13 14
	457D Requirements about collecting personal information	15 16
	(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.	17 18 19 20 21
	(2) The person may collect the personal information—	22 23
	(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	24 25 26 27
	(b) in relation to a tenant or resident—only if the information relates to the management of the premises.	28 29 30

Maximum penalty—20 penalty units.	1
(3) For subsection (2)(b), photographs taken of the rental property during inspections are information relating to the management of the premises.	2 3 4
457E Requirements about collected information	5
(1) A lessor, lessor’s agent, provider or provider’s agent (the <i>relevant person</i>) must ensure that personal information about an applicant is—	6 7 8
(a) stored in a secure way; and	9
(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	10 11 12 13
(c) if the applicant does not become a tenant or resident—destroyed in a secure way within 3 months after a residential tenancy agreement or a rooming accommodation agreement for the tenancy or accommodation for which the applicant applied commences.	14 15 16 17 18 19 20
Maximum penalty—20 penalty units.	21
(2) The relevant person must ensure that personal information about a tenant or resident is—	22 23
(a) stored in a secure way; and	24
(b) accessed only for the purposes of managing the premises or rental premises; and	25 26
(c) destroyed in a secure way within 3 years after the end of the residential tenancy agreement or rooming accommodation agreement to which the information relates.	27 28 29 30
Maximum penalty—20 penalty units.	31

Part 3 Tenancy databases 1

457F Definitions for part 2

In this part— 3

Clause 81 Amendment of s 458 (Non-application to internal databases) 4
5

Section 458(1), ‘chapter’— 6

omit, insert— 7

part 8

Clause 82 Amendment of s 458B (Notice of listing if database used) 9

Section 458B(2)(d)(i), ‘chapter’— 10

omit, insert— 11

part 12

Clause 83 Amendment of s 463 (Offence of contravening tribunal order) 13
14

Section 463(1), ‘chapter’— 15

omit, insert— 16

part 17

Clause 84 Amendment of s 527 (Confidentiality) 18

Section 527(2) and (3)— 19

omit, insert— 20

(2) The person must not make a record of the 21
information, disclose the information to anyone 22
else or give access to the document containing the 23
information to anyone else, other than— 24

-
- (a) for a purpose of this Act; or 1
- (b) for the administration or enforcement of this Act; or 2
3
- (c) with the consent of the person to whom the information relates; or 4
5
- (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 6
7
8
9
- (e) if the information is required to support the administration of— 10
11
- (i) the *Agents Financial Administration Act 2014*; or 12
13
- (ii) the *Property Occupations Act 2014*; or 14
- (f) if the information is required for administering, receiving, holding or paying rental bonds; or 15
16
17
- (g) as required or authorised under a law; or 18
- (h) if the person reasonably considers it is necessary to prevent a serious risk to public safety. 19
20
21
- Maximum penalty—50 penalty units. 22
- (3) In this section— 23
- confidential information***— 24
- (a) means any information that— 25
- (i) could identify an individual; or 26
- (ii) is about a person’s criminal history; but 27
- (b) does not include— 28
- (i) information that is publicly available; 29
or 30

	(ii) statistical or other information that could not reasonably be expected to result in the identification of the person to whom it relates.	1 2 3 4
Clause 85	Insertion of new ch 14, pt 8, div 3	5
	Chapter 14, part 8, as inserted by this Act—	6
	<i>insert—</i>	7
	Division 3 Provisions commencing by proclamation	8 9
	582 Existing applications for residential tenancies and rooming accommodation	10 11
	(1) New sections 57B to 57D do not apply to an application for a residential tenancy made but not decided before the commencement.	12 13 14
	(2) New sections 76C to 76E do not apply to an application for rooming accommodation made but not decided before the commencement.	15 16 17
	583 Application of amendments about payment of rent—existing residential tenancy agreements	18 19
	(1) New sections 83 and 84B do not apply in relation to a residential tenancy agreement entered into before the commencement.	20 21 22
	(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.	23 24 25 26 27

584 Application of changes about payment of rent—existing rooming accommodation agreements	1 2 3
(1) New sections 98 and 99B do not apply in relation to a rooming accommodation agreement entered into before the commencement.	4 5 6
(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.	7 8 9 10 11
585 Evidence supporting claim on rental bond not required for certain rental bonds	12 13
(1) New section 136AA does not apply in relation to—	14 15
(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	16 17 18 19
(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.	20 21 22 23
(2) In this section—	24
<i>transition period</i> means the period starting on the commencement and ending 12 months after the commencement.	25 26 27
586 Existing residential tenancy agreements including term about paying reletting costs	28 29
(1) This section applies if—	30
(a) a residential tenancy agreement entered into before the commencement includes a term requiring a tenant to pay the reasonable	31 32 33

costs incurred by the lessor in reletting the premises; and	1 2
(b) the requirements under former section 357A(1) were otherwise met in relation to the term.	3 4 5
(2) The term is taken to comply with new section 357A(1).	6 7
587 Existing rooming accommodation agreements including term about paying reasonable costs	8 9
(1) This section applies if—	10
(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	11 12 13 14 15
(b) the requirements under former section 396A(1) were otherwise met in relation to the term.	16 17 18
(2) The term is taken to comply with new section 396A(1).	19 20
588 Transitional regulation making power	21
(1) A regulation (a <i>transitional regulation</i>) may make provision of a saving or transitional nature about any matter for which—	22 23 24
(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	25 26 27 28 29 30
(b) this Act does not make provision or sufficient provision.	31 32

	(2) A transitional regulation may have retrospective operation to a day that is not earlier than the day this section commences.	1 2 3
	(3) A transitional regulation must declare it is a transitional regulation.	4 5
	(4) This section and any transitional regulation expire 2 years after this section commences.	6 7
Clause 86	Amendment of sch 1 (Notice periods)	8
	Schedule 1, part 1, division 3, entry for notice to leave for an unremedied breach (s 281)—	9 10
	<i>omit.</i>	11
Clause 87	Amendment of sch 2 (Dictionary)	12
	(1) Schedule 2, definition <i>approved way</i> —	13
	<i>omit.</i>	14
	(2) Schedule 2—	15
	<i>insert</i> —	16
	<i>applicant</i> , for chapter 9, part 2, see section 457C.	17
	<i>body corporate law</i> means—	18
	(a) the <i>Body Corporate and Community Management Act 1997</i> ; or	19 20
	(b) the <i>Building Units and Group Titles Act 1980</i> .	21 22
	<i>body corporate scheme</i> means—	23
	(a) a community titles scheme; or	24
	(b) a plan under the <i>Building Units and Group Titles Act 1980</i> .	25 26
	<i>community titles scheme</i> see the <i>Body Corporate and Community Management Act 1997</i> , section 10.	27 28 29

	<i>real estate agent</i> see the <i>Property Occupations Act 2014</i> , section 16.	1 2
	<i>reletting costs</i> —	3
	(a) for a residential tenancy agreement—see section 357A(3); or	4 5
	(b) for a rooming accommodation agreement—see section 396A(3).	6 7
(3)	Schedule 2, definitions <i>database operator</i> , <i>inaccurate</i> , <i>list</i> , <i>out of date</i> , <i>social housing database</i> and <i>tenancy database</i> , ‘see section 457’—	8 9 10
	<i>omit</i> , <i>insert</i> —	11
	part 3, see section 457F	12
Part 3	Other legislation	13
Division 1	Amendment of Body Corporate and Community Management Act 1997	14 15
Clause 88	Act amended	16
	This division amends the <i>Body Corporate and Community Management Act 1997</i> .	17 18
Clause 89	Amendment of s 77 (Definitions for part)	19
	Section 77—	20
	<i>insert</i> —	21
	<i>lease</i> includes—	22
	(a) a residential tenancy agreement or rooming accommodation agreement under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> ; or	23 24 25 26

	(b) a lease under the <i>Retail Shop Leases Act 1994</i> .	1 2
	<i>leasehold interest</i> includes a resident's interest in a rooming accommodation agreement under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> .	3 4 5 6
	<i>lessee</i> includes a resident in rooming accommodation under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> .	7 8 9
Clause 90	Amendment of s 81B (What is a <i>termination plan</i>)	10
	(1) Section 81B(1)—	11
	<i>insert—</i>	12
	(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—	13 14 15 16 17
	(i) the day of settlement; and	18
	(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	19 20 21 22
	(iii) the day on which the owner of the lot is to provide vacant possession of the lot;	23 24
	(2) Section 81B(1)(fa) to (h)—	25
	<i>renumber</i> as section 81B(1)(g) to (i).	26
	(3) Section 81B(2), 'subsection (1)(a) to (h)'—	27
	<i>omit, insert—</i>	28
	subsection (1)(a) to (i)	29
	(4) Section 81B(3), 'subsection (1)(g)'—	30
	<i>omit, insert—</i>	31

	subsection (1)(h)	1
(5)	Section 81B(5)—	2
	<i>insert—</i>	3
	<i>lessor</i> includes a provider under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> .	4 5 6
Clause 91	Amendment of s 81N (Applications to court about termination plan)	7 8
	Section 81N(6)—	9
	<i>omit, insert—</i>	10
	(6) A facilitator may apply to the court for an order —	11
	(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	12 13 14 15
	(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	16 17 18 19
	(c) to require that each lot in the scheme be sold under the termination plan.	20 21
Clause 92	Amendment of s 81R (Court orders)	22
	Section 81R(3)(e)(i), from ‘lot’ to ‘more’—	23
	<i>omit, insert—</i>	24
	lot or other scheme land	25
Clause 93	Replacement of s 81V (Particular leases)	26
	Section 81V—	27
	<i>omit, insert—</i>	28

81V Termination of particular leases	1
(1) This section applies if—	2
(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	3 4 5 6 7
(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—	8 9 10 11
(i) a residential tenancy agreement or rooming accommodation agreement under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> ;	12 13 14 15
(ii) a lease under the <i>Retail Shop Leases Act 1994</i> .	16 17
(2) The lease terminates on the day of settlement for the contract for the sale of the community titles scheme.	18 19 20

Clause 94	Insertion of new ch 8, pt 17	21	
	Chapter 8—	22	
	<i>insert—</i>	23	
	Part 17	Transitional provisions	24
		for Residential	25
		Tenancies and	26
		Rooming	27
		Accommodation and	28
		Other Legislation	29
		Amendment Act 2024	30

457 Definition for part	1
In this part—	2
<i>new</i> , for a provision of this Act, means the	3
provision as in force from the commencement.	4
458 Facilitator’s functions under existing	5
 termination plans	6
(1) This section applies if—	7
(a) before the commencement—	8
(i) the body corporate for a community	9
titles scheme has passed a termination	10
plan resolution; and	11
(ii) the body corporate has, under section	12
81J, given each lot owner a copy of the	13
termination plan in relation to the	14
scheme; and	15
(b) immediately before the commencement, the	16
body corporate has not passed a termination	17
resolution.	18
(2) A facilitator appointed to implement the	19
termination plan must, at least 2 months before	20
the day of settlement for the contract of the sale of	21
the scheme, give written notice to each lessee of a	22
lot included in the scheme or other scheme land	23
stating—	24
(a) the day of settlement; and	25
(b) if the lease is a lease mentioned in new	26
section 81V(1)(b)—that the lessee’s lease	27
will terminate on the settlement day under	28
that section as it applies under subsection	29
(4); and	30
(c) the day on which the owner of the lot is to	31
provide vacant possession of the lot.	32
(3) Subsection (4) applies in relation to a lease of a lot	33

	or other scheme land if—	1
	(a) the lease is in effect immediately before the day of settlement of the contract for the sale of the scheme; and	2 3 4
	(b) the lease is any of the following—	5
	(i) a residential tenancy agreement or rooming accommodation agreement under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> ;	6 7 8 9
	(ii) a lease under the <i>Retail Shop Leases Act 1994</i> .	10 11
	(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).	12 13 14 15
	459 Proceedings for particular court orders	16
	(1) This section applies if—	17
	(a) before the commencement, a person applied under section 81N for a court order in relation to a termination plan; and	18 19 20
	(b) immediately before the commencement, the court had not decided the application.	21 22
	(2) New section 81R applies in relation to the matters the court must consider in deciding whether to make the order.	23 24 25
Clause 95	Amendment of sch 6 (Dictionary)	26
	Schedule 6—	27
	<i>insert—</i>	28
	<i>lease</i> , for chapter 2, part 9, see section 77.	29
	<i>leasehold interest</i> , for chapter 2, part 9, see	30

	section 77.	1
	<i>lessee</i> , for chapter 2, part 9, see section 77.	2
Division 2	Amendment of Fair Trading Inspectors Act 2014	3 4
Clause 96	Act amended	5
	This division amends the <i>Fair Trading Inspectors Act 2014</i> .	6
Clause 97	Amendment of s 6 (Modifying operation of Act for Property Occupations Act 2014)	7 8
	(1) Section 6(1), from ‘subsection (3)’—	9
	<i>omit, insert—</i>	10
	subsections (3) and (4) (each a <i>modifying provision</i>).	11 12
	(2) Section 6(2), ‘used in the’—	13
	<i>omit, insert—</i>	14
	used in a	15
	(3) Section 6—	16
	<i>insert—</i>	17
	(4) In section 60 a reference to an offence against a primary Act is taken to include a reference to a contravention of the <i>Property Occupations Act 2014</i> , section 92B(1) or 151B(1).	18 19 20 21
Division 3	Amendment of Local Government Act 2009	22 23
Clause 98	Act amended	24
	This division amends the <i>Local Government Act 2009</i> .	25

Clause 99	Amendment of s 208 (Superannuation board (LGIAsuper Trustee))	1 2
(1)	Section 208, heading, ‘LGIAsuper’— <i>omit, insert—</i>	3 4
	Brighter Super	5
(2)	Section 208(1) and (2), ‘LGIAsuper’— <i>omit, insert—</i>	6 7
	Brighter Super	8
Clause 100	Replacement of s 220A (Amount of yearly contributions—permanent employees)	9 10
	Section 220A— <i>omit, insert—</i>	11 12
	220A Amount of yearly contributions—permanent employees	13 14
(1)	A permanent employee of a local government or local government entity (each an <i>employer</i>) must make a yearly contribution to the relevant fund for the employee.	15 16 17 18
(2)	The amount of the yearly contribution is the amount prescribed by regulation.	19 20
(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.	21 22 23 24
(4)	For subsection (3)—	25
(a)	the rate may be 0%; and	26
(b)	the employee must give the employer notice of the change.	27 28
(5)	Despite subsection (1), the permanent employee need not make the yearly contribution if the employer makes the contribution, in accordance	29 30 31

	with the employee’s remuneration agreement, as well as the yearly contribution the employer is required to make under section 220.	1 2 3
	(6) If subsection (5) applies, despite any other Act the employer may deduct all or part of the yearly contribution from—	4 5 6
	(a) the permanent employee’s salary; or	7
	(b) any money the permanent employee owes to the employer.	8 9
	(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.	10 11 12 13 14 15 16
	(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.	17 18 19 20 21 22
	(9) Subsections (1) and (5) are subject to section 220B.	23 24
Clause 101	Amendment of s 220B (Reduction in contributions to prevent them exceeding concessional contributions cap)	25 26
	(1) Section 220B(1)(b), ‘section 220A(2)’— <i>omit, insert—</i>	27 28
	section 220A	29
	(2) Section 220B(2)(b), ‘section 220A(3)’— <i>omit, insert—</i>	30 31
	section 220A(5)	32

- (3) Section 220B(3)(c), ‘section 220A(2)’— 1
omit, insert— 2
 section 220A 3
 (4) Section 220B(3)(c), ‘section 220A(3)’— 4
omit, insert— 5
 section 220A(5) 6

Clause 102 Omission of s 221 (Exemption from payment of yearly contributions on grounds of financial hardship) 7
 8
 Section 221— 9
omit. 10

Clause 103 Insertion of new ch 9, pt 19 11
 Chapter 9— 12
insert— 13

Part 19 Transitional provisions for Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024 14
 15
 16
 17
 18
 19
 20

355 Definitions for part 21
 In this part— 22
amending Act means the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024*. 23
 24
 25
defined benefit member see section 216A. 26

new, for a section of this Act, means the section as
in force from the commencement. 1
2

356 Change in name of board and scheme 3

- (1) To remove any doubt, it is declared that— 4
- (a) the amendment of section 208 by the 5
amending Act has effect only to change the 6
name of the board mentioned in the section 7
and does not establish a new board; and 8
- (b) the amendment of section 217 by the 9
amending Act has effect only to change the 10
name of the superannuation scheme 11
mentioned in the section and does not 12
establish a new superannuation scheme. 13
- (2) From the commencement, if the context 14
permits— 15
- (a) a reference in a document to either of the 16
following is taken to be a reference to 17
Brighter Super Trustee— 18
- (i) the Queensland Local Government 19
Superannuation Board under the 1993 20
Act or this Act; 21
- (ii) LGIAsuper Trustee; and 22
- (b) a reference in an industrial instrument or 23
other document to any of the following is 24
taken to be a reference to Brighter Super— 25
- (i) the Local Government Superannuation 26
Scheme under the 1993 Act or this Act; 27
- (ii) the LG super scheme; 28
- (iii) LGIAsuper; 29
- (iv) City Super; 30
- (v) the Brisbane City Council 31
Superannuation Plan. 32

357 Existing memberships and entitlements	1
(1) The amendment of this Act by the amending Act does not affect—	2 3
(a) the membership of an existing member; or	4
(b) any entitlement the existing member accrued under this Act before the commencement.	5 6 7
(2) In this section—	8
<i>existing member</i> means a person who, immediately before the commencement, was a member of LGIASuper.	9 10 11
358 Existing financial hardship exemptions	12
(1) This section applies to a permanent employee of a local government or local government entity if—	13 14
(a) the employee is not a defined benefit member; and	15 16
(b) immediately before the commencement, an exemption was in effect for the employee under former section 221.	17 18 19
(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—	20 21 22 23
(a) if the exemption applied to all of the employee’s contributions payable under former section 220A(2)—0%;	24 25 26
(b) if the exemption applied to part of the employee’s contributions payable under former section 220A(2)—	27 28 29
(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	30 31 32 33

(ii) the rate that is equivalent to the amount of the remaining part of the employee's contributions payable in accordance with the exemption. 1
2
3
4

(3) In this section— 5
former, for a section of this Act, means the section as in force immediately before the commencement. 6
7
8

359 Particular employees of the Brisbane City Council 9
10

(1) This section applies to a permanent employee of the Brisbane City Council if— 11
12

(a) the employee is not a defined benefit member; and 13
14

(b) immediately before the commencement, the employee was— 15
16

(i) an employee of the Brisbane City Council mentioned in section 216C(a); and 17
18
19

(ii) 70 years or older. 20

(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%. 21
22
23
24

Division 4 Amendment of Property Occupations Act 2014 25
26

Clause 104 Act amended 27

This division amends the *Property Occupations Act 2014*. 28

Clause 105	Amendment of s 28 (Limited property agent licence)	1
	(1) Section 28, note—	2
	<i>omit.</i>	3
	(2) Section 28—	4
	<i>insert—</i>	5
	(3) The chief executive must publish the approved qualifications on the department’s website.	6 7
Clause 106	Amendment of s 45 (Eligibility for property agent licence)	8
	(1) Section 45(1)(b), ‘generally’—	9
	<i>omit.</i>	10
	(2) Section 45(1), note—	11
	<i>omit.</i>	12
	(3) Section 45—	13
	<i>insert—</i>	14
	(1A) The chief executive must publish the approved qualifications on the department’s website.	15 16
	(4) Section 45(1A) to (4)—	17
	<i>renumber</i> as section 45(2) to (5).	18
Clause 107	Amendment of s 46 (Eligibility for resident letting agent licence)	19 20
	(1) Section 46(1)(b), ‘generally’—	21
	<i>omit.</i>	22
	(2) Section 46(1), note—	23
	<i>omit.</i>	24
	(3) Section 46—	25
	<i>insert—</i>	26
	(1A) The chief executive must publish the approved	27

	qualifications on the department’s website.	1
(4)	Section 46(1A) to (3)—	2
	<i>renumber</i> as section 46(2) to (4).	3
Clause 108	Amendment of s 58 (Application for renewal)	4
	Section 58(2)(d)—	5
	<i>insert</i> —	6
	(v) if section 92B(1) applies to the	7
	licensee—a statement that the licensee	8
	has, for each CPD year ending within	9
	the term of the licensee’s current	10
	licence, complied with section 92B(1)	11
	or evidence that exceptional	12
	circumstances apply.	13
Clause 109	Amendment of s 59 (Chief executive may renew or refuse to renew licence)	14
		15
(1)	Section 59—	16
	<i>insert</i> —	17
(2A)	If section 92B(1) applies to the licensee, the chief	18
	executive must, in deciding whether to renew or	19
	refuse to renew the licence, have regard to	20
	whether—	21
(a)	the licensee has complied with section	22
	92B(1) for each CPD year ending within the	23
	term of the licensee’s current licence; or	24
(b)	the licensee has not complied with section	25
	92B(1) for each CPD year ending within the	26
	term of the licensee’s current licence but	27
	exceptional circumstances apply.	28
(2)	Section 59(2A) and (3)—	29
	<i>renumber</i> as section 59(3) and (4).	30

Clause 110	Amendment of s 61 (Application for restoration)	1
	Section 61(2)(e)—	2
	<i>insert—</i>	3
	(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.	4 5 6 7 8 9 10
Clause 111	Amendment of s 63 (Chief executive may restore or refuse to restore licence)	11 12
	(1) Section 63—	13
	<i>insert—</i>	14
	(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—	15 16 17 18
	(a) the licensee complied with section 92B(1) for each CPD year ending within the term of the licensee’s expired licence; or	19 20 21
	(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.	22 23 24 25
	(2) Section 63(2A) to (4)—	26
	<i>renumber</i> as section 63(3) to (5).	27
Clause 112	Insertion of new pt 3, div 1A	28
	Part 3—	29
	<i>insert—</i>	30

Division 1A	Continuing professional development	1 2
92A	Definitions for division	3
	In this division—	4
	<i>CPD requirements</i> , for a licensee, means the continuing professional development requirements for the licensee approved by the chief executive under section 92D.	5 6 7 8
	<i>CPD year</i> , for a licence, means—	9
	(a) a period of 12 months ending on the day before an anniversary of the date the licence was first issued; or	10 11 12
	(b) a period approved by the chief executive under section 92E.	13 14
92B	Licensees to complete CPD requirements	15
	(1) A licensee who is an individual must complete the CPD requirements for each CPD year for the licensee’s licence.	16 17 18
	<i>Example—</i>	19
	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).	20 21 22 23 24 25 26 27 28
	(2) Subsection (1) does not apply to—	29
	(a) a licensee for the first CPD year that the licensee holds their licence; or	30 31

- (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
2

- (1) The chief executive must approve continuing professional development requirements for licensees. 3
4
5
- (2) The chief executive must publish the CPD requirements on the department's website. 6
7

92E Chief executive may approve adjusted CPD year 8
9

- (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. 10
11
12
- (2) The chief executive must give the licensee notice of the approved period and the day on which the period starts. 13
14
15

Clause 113 Amendment of s 127 (Eligibility for registration as real estate salesperson) 16
17

- (1) Section 127(1), note— 18
omit. 19
- (2) Section 127— 20
insert— 21
- (1A) The chief executive must publish the approved qualifications on the department's website. 22
23
- (3) Section 127(1A) and (2)— 24
renumber as section 127(2) and (3). 25

Clause 114 Amendment of s 130 (Application for renewal) 26

- Section 130(2)(c)— 27
insert— 28

(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.

Clause 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).

Clause 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 1
complied with section 151B(1) for 2
each CPD year ending within the term 3
of the person’s expired registration 4
certificate, or evidence that exceptional 5
circumstances applied. 6

Clause 117 Amendment of s 135 (Chief executive may restore or refuse to restore registration certificate) 7
8

(1) Section 135— 9

insert— 10

(2A) If section 151B(1) applied to the real estate 11
salesperson in relation to the expired registration 12
certificate, the chief executive must, in deciding 13
whether to restore or refuse to restore the 14
registration certificate, have regard to whether— 15

(a) the real estate salesperson complied with 16
section 151B(1) for each CPD year ending 17
within the term of the salesperson’s expired 18
registration certificate; or 19

(b) the real estate salesperson did not comply 20
with section 151B(1) for each CPD year 21
ending within the term of the salesperson’s 22
expired registration certificate but 23
exceptional circumstances applied. 24

(2) Section 135(2A) to (4)— 25

renumber as section 135(3) to (5). 26

Clause 118 Insertion of new pt 5, div 11 27

Part 5— 28

insert— 29

**Division 11 Continuing professional 30
development 31**

151A Definitions for division	1
In this division—	2
CPD requirements , for a real estate salesperson,	3
means the continuing professional development	4
requirements for the real estate salesperson	5
approved by the chief executive under section	6
151D.	7
CPD year , for a registration certificate, means—	8
(a) a period of 12 months ending on the day	9
before an anniversary of the date the	10
registration certificate was first issued; or	11
(b) a period approved by the chief executive	12
under section 151E.	13
151B Real estate salespersons to complete CPD requirements	14
(1) A real estate salesperson must complete the CPD	16
requirements for each CPD year for the	17
salesperson’s registration certificate.	18
<i>Example—</i>	19
A real estate salesperson’s 3-year registration certificate	20
is issued on 1 September 2025. Under subsection (2),	21
the person is not required to complete the CPD	22
requirements for the CPD year between 1 September	23
2025 and 31 August 2026. Under this subsection, the	24
person is required to complete the CPD requirements for	25
the CPD year between 1 September 2026 and 31 August	26
2027 and for the CPD year between 1 September 2027	27
and 31 August 2028 (and for later CPD years if the	28
registration certificate is renewed).	29
(2) Subsection (1) does not apply to a real estate	30
salesperson for the first CPD year that the person	31
holds their registration certificate.	32
(3) If a real estate salesperson holds more than 1	33
authority, subsection (1) applies to the	34
salesperson only if the authority with the earliest	35

date of original issue is a registration certificate.	1
(4) In this section—	2
<i>authority</i> means a licence or a registration certificate.	3 4
<i>date of original issue</i> , of an authority, means the date on which the authority was first issued (before any subsequent renewal or restoration of the authority).	5 6 7 8
151C Record of completed CPD requirements	9
(1) A real estate salesperson to whom section 151B(1) applies must keep a record of the CPD requirements completed by the person.	10 11 12
Maximum penalty—10 penalty units.	13
(2) The real estate salesperson must keep the record for 5 years after the end of the CPD year to which the record relates.	14 15 16
Maximum penalty—10 penalty units.	17
151D Chief executive to approve and publish CPD requirements	18 19
(1) The chief executive must approve continuing professional development requirements for real estate salespersons.	20 21 22
(2) The chief executive must publish the CPD requirements on the department’s website.	23 24
151E Chief executive may approve adjusted CPD year	25 26
(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.	27 28 29 30

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

Clause 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. 1

information includes a document. 2

personal information means information about a
person's affairs. 3
4

229C Exchange of information 5

(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— 6
7
8
9

(a) held by the chief executive or the relevant
agency; or 10
11

(b) to which the chief executive or the relevant
agency has access. 12
13

(2) An information-sharing arrangement may relate
only to information that assists— 14
15

(a) the chief executive to perform the chief
executive's functions under this Act; or 16
17

(b) the relevant agency to perform its functions. 18

(3) Under an information-sharing arrangement, the
chief executive and the relevant agency are,
despite another Act or law, authorised to— 19
20
21

(a) ask for and receive information from the
other party to the arrangement; and 22
23

(b) disclose information to the other party. 24

(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. 25
26
27
28
29

(5) In this section— 30

information does not include information given
to the chief executive or a relevant agency, or to 31
32

	which the chief executive or a relevant agency has access, under the <i>Crime and Corruption Act 2001</i> .	1 2
	<i>relevant agency</i> means the following—	3
	(a) the police commissioner;	4
	(b) the chief executive of a department;	5
	(c) the Residential Tenancies Authority established under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> ;	6 7 8
	(d) a local government;	9
	(e) a person prescribed by regulation.	10
Clause 120	Amendment of pt 14, hdg (Transitional provisions)	11
	Part 14, heading, after ‘provisions’—	12
	<i>insert—</i>	13
	for Act No. 22 of 2014	14
Clause 121	Insertion of new pt 15	15
	After part 14—	16
	<i>insert—</i>	17
	Part 15	18
	Transitional provisions	19
	for Property	20
	Occupations and Other	21
	Legislation	22
	Amendment Act 2024	22
	273 Application of s 92B to licensees holding existing licences	23 24
	(1) Subsection (2) applies to a licensee who holds a licence that is—	25 26
	(a) for a term of 1 year or more; and	27

(b)	in force on the commencement.	1
(2)	Section 92B does not apply to the licensee until the start of the first CPD year for the licence after the commencement.	2 3 4
(3)	Subsection (4) applies to a licensee who holds a licence that is—	5 6
(a)	for a term of less than 1 year; and	7
(b)	in force on the commencement.	8
(4)	Section 92B applies to the licensee only—	9
(a)	if the licence is renewed; and	10
(b)	from the start of the next CPD year for the licence.	11 12
274	Application of s 151B to real estate salespersons holding existing registration certificates	13 14 15
(1)	Subsection (2) applies to a real estate salesperson who holds a registration certificate that is—	16 17
(a)	for a term of 1 year or more; and	18
(b)	in force on the commencement.	19
(2)	Section 151B does not apply to the salesperson until the start of the first CPD year for the registration certificate after the commencement.	20 21 22
(3)	Subsection (4) applies to a real estate salesperson who holds a registration certificate that is—	23 24
(a)	for a term of less than 1 year; and	25
(b)	in force on the commencement.	26
(4)	Section 151B applies to the salesperson only—	27
(a)	if the registration certificate is renewed; and	28
(b)	from the start of the next CPD year for the registration certificate.	29 30

Clause 122	Amendment of sch 2 (Dictionary)	1
	Schedule 2—	2
	<i>insert—</i>	3
	<i>CPD requirements—</i>	4
	(a) for a licensee—see section 92A; or	5
	(b) for a real estate salesperson—see section 151A.	6 7
	<i>CPD year—</i>	8
	(a) for a licence—see section 92A; or	9
	(b) for a registration certificate—see section 151A.	10 11
	Division 5	
	Other amendments	12
Clause 123	Legislation amended	13
	Schedule 1 amends the legislation it mentions.	14

Schedule 1	Other amendments	1
	section 123	2
Part 1	Amendments commencing on assent	3
		4
	Residential Tenancies and Rooming Accommodation Regulation 2009	5
		6
1	Section 29—	7
	<i>omit, insert—</i>	8
	29 Procedures for selling goods by auction—Act, s 363	9
		10
	(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.	11
		12
		13
	(2) The person must make reasonable efforts to contact the person entitled to the goods (the <i>owner</i>) to give the owner notice of the auction.	14
		15
		16
	(3) For subsection (2), reasonable efforts include the following—	17
		18
	(a) attempting to contact the owner by telephone, including text message, email or private message on a social media platform;	19
		20
		21
	(b) attempting to contact an emergency contact listed on the owner’s residential tenancy agreement;	22
		23
		24
	(c) publishing a notice in an online newspaper for the city or State in which the owner is or was residing.	25
		26
		27

- (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 6

- 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)—** 7
omit. 10

- 2** **Schedule 1, entry for *Residential Tenancies and Rooming Accommodation Act 2008*—** 11
insert— 13

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
1 July 2024 2

Local Government Act 2009 3

1 Amendment of references to LGIASuper 4

Each of the following provisions is amended by omitting
'LGIASuper' and inserting 'Brighter Super'— 5
6

- section 209, heading and subsections (1) and (2) 7
- section 210 8
- section 211, heading and subsection (1) 9
- section 216(2) 10
- section 216A, definition *chosen fund*, paragraph (b) 11
- section 216A, definition *defined benefit member* 12
- section 216A, definition *relevant fund*, paragraph (a)(i) 13
- chapter 7, part 2, division 2, heading 14
- section 217, heading and subsections (1), (2) and (3)(b) 15
- section 218 16
- section 219 17
- section 219A, heading and subsections (1) and (2) 18
- section 220(2) 19
- schedule 4, definition *trust deed*. 20

2 Section 217(4)— 21

omit, insert— 22

- (4) Brighter Super Trustee may include particular 23
other matters in the trust deed under section 220B. 24

3	Schedule 4, definitions <i>LGIA^{super}</i> and <i>LGIA^{super}</i> <i>Trustee, 'LGIA^{super}'—</i>	1
	<i>omit, insert—</i>	2
	<i>Brighter Super</i>	3
		4
	Local Government Regulation 2012	5
1	Section 303(1), from 'yearly' to 'is the amount'—	6
	<i>omit, insert—</i>	7
	amount prescribed is	8
2	Section 303(2)—	9
	<i>omit.</i>	10
	Superannuation (Public Employees Portability) Regulation 2019	11
		12
1	Section 3(a), '<i>LGIA^{super}</i>'—	13
	<i>omit, insert—</i>	14
	Brighter Super	15
	Superannuation (State Public Sector) Act 1990	16
1	Section 34(2)(a), '<i>LGIA^{super}</i>'—	17
	<i>omit, insert—</i>	18

	Brighter Super	1
2	Section 34(3), definition <i>LGIAsuper default fund arrangements</i>, '<i>LGIAsuper</i>'—	2
	<i>omit, insert—</i>	3
	<i>Brighter Super</i>	4
		5

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