

# Tenancy legislation

**State of play**

Here's what you need to know about recent, forthcoming and proposed changes to tenancy legislation in each state and territory.

*Disclaimer: Always refer to the applicable tenancy act in your jurisdiction for the most current legislation and regulations. Additional information can be found on official government agency sites including Fair Trading or the equivalent in your jurisdiction.*

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# Australian Capital Territory



The ACT Government introduced new tenancy laws on 1 November 2019. The changes included limiting rent increases, establishing minimum standards for rental properties, and limiting the amount of rental bond that could be charged.

*The Residential Tenancies Legislation Amendment Act 2023* was passed by the ACT Legislative Assembly in March 2023.

**Changes** which came into effect on 1 April 2023 include:

## Ending leases

- › Landlords can no longer issue 'no cause' eviction notices.
- › Changes have been introduced to guard against the misuse of tenancy termination provisions, including introducing additional evidentiary requirements for some tenancy termination provisions and amending the retaliatory eviction provisions.

## Rent bidding

- › Landlords and agents are prohibited from soliciting rent bids.
- › Rental properties must be advertised at a fixed rental rate.

## Minimum standards

- › An energy efficiency standard for ceiling insulation in rental homes has been introduced.
- › New rules have been introduced to support compliance with the new ceiling insulation standard and any future minimum housing standards for rental homes.

## Family and domestic violence provisions

- › Tenancy reforms in the ACT's *Residential Tenancies Amendment Bill 2018* came into effect in November 2019. The new legislation includes protection for survivors of family and domestic violence including the ability for a survivor tenant to apply to ACAT for a 'no cause' termination of the lease once they have a domestic violence order.



# New South Wales



Amendments to the *Residential Tenancies Act 2010* and the new *Residential Tenancies Regulation 2019* came into effect in NSW on 23 March 2020.

## **Key changes include:**

### **Minimum standards**

- › Landlords are required to provide the rented property in a reasonable state of cleanliness and 'fit for habitation'.
- › Seven minimum standards which clarify what 'fit for habitation' means were introduced.

### **Smoke alarms**

- › Landlords must ensure that smoke alarms installed in the rental property are in working order.
- › A penalty will apply for landlords who fail to comply.

### **Modifications**

- › Tenants can install fixtures or make alterations, additions or renovations if they have the landlord's written consent, or if the tenancy agreement permits it.
- › Landlords must not unreasonably withhold consent if the tenant's request for a fixture or alteration, addition or renovation is of a 'minor nature'.

### **Ending leases**

- › Mandatory fees payable by the tenant apply to all fixed-term agreements of three years or less, when a tenant ends the agreement early.

### **Family and domestic violence provisions**

- › On 11 December 2020, new rules came into effect in relation to family and domestic violence provisions which included the ability for a survivor tenant to end a lease immediately without penalty.

### **Rent bidding**

- › Since 17 December 2022, real estate agents in NSW have not been allowed to invite or solicit an offer for rent that is higher than the amount advertised for the property.
- › From 3 August 2023, this rule applies to any person.

### **Pets**

- › In 2023, public consultation on reforming the laws around having pets was undertaken.
- › Under the proposal, the tenant will need to ask permission to keep a pet, but the landlord will not be able to refuse without a valid reason.
- › Changes are not yet legislated.



# Northern Territory



In 2019, the NT Government undertook a review of the tenancy legislation. Changes to the *Residential Tenancies Act 1999* (*Residential Tenancies Amendment Bill 2023*) came into effect on 2 January 2024.

## Changes include:

### Family and domestic violence provisions

- › Survivor tenants can immediately terminate a tenancy without penalty.
- › Survivor tenants are not liable for damage caused by acts of FDV.
- › Clear pathways for landlords to hold alleged perpetrators to account have been established.

### Modifications

- › Tenants can make minor modifications to the premises for safety or security purposes with the landlord's consent.
- › Tenants may change locks provided they obtain the landlord's consent.

### Rent bidding

- › Rent bidding, rent auctions, gazumping, and unilateral increases in rent between offer and formally entering into a tenancy agreement have been prohibited.
- › Tenants are not required to make payments or provide guarantees, indemnities, or other sureties, other than rent, a security deposit (bond) or those expressly provided in the Act, such as utility charges.

### Ending leases

- › Notice periods for termination by landlords of both fixed and periodic tenancies is 60 days (increased from 14 and 42 days, respectively).
- › Tenants need to give landlords 14 days' notice.
- › Landlords can no longer charge fees for lease breaks and compensation for early lease terminations is capped.

### Privacy

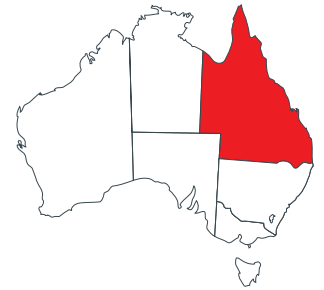
- › The type of information which tenants may be required to give as part of a rental application has been limited.
- › Landlords must take reasonable steps to protect the tenants' personal information.

### Pets

- › New rules allowing tenants to **keep pets** at the rental came into effect on 1 January 2021.



# Queensland



The Housing Legislation Amendment Act 2021 amended the *Residential Tenancies and Rooming Accommodation Act 2008* to progress Stage 1 of Queensland's rental law reform. Most of the changes came into effect on 1 October 2022.

## **Key changes include:**

### **Ending leases**

- › 'No grounds' evictions are no longer permitted.
- › Tenants and landlords have a wider range of specific permissible reasons to end a tenancy with the appropriate notice periods.

### **Pets**

- › Tenants must seek the landlord's permission to keep a pet.
- › Landlords can only refuse a request on specific grounds.

### **Family and domestic violence provisions**

- › Survivor tenants can end their interest in a tenancy with limited liability for end of lease costs.

### **Repair orders**

- › Repair orders have been introduced as an additional pathway for tenants to have repairs addressed in a timely manner.

### **Rent increases**

- › On 1 July 2023, new legislation came into effect limiting the frequency of rent increases to no more than once every 12 months.

### **Minimum standards**

- › New minimum housing standards came into effect for new tenancies from 1 September 2023.
- › The standards will come into effect for all remaining tenancies on 1 September 2024.

### **Proposed reforms**

#### **Stage 2 rental law reforms are focussed on five priority areas:**

- › installing modifications;
- › making personalisation changes;
- › balancing privacy and access;
- › improving the rental bond process; and
- › fairer fees and charges.

These reforms are yet to be finalised and there is no implementation timeframe at this stage.



# South Australia



On 29 November 2023, the Residential Tenancies (Miscellaneous) Amendment Bill 2023 was passed by Parliament. The Bill amends the *Residential Tenancies Act 1995*.

## **Changes set to come into effect after supporting regulations are developed include:**

### **Ending leases**

- › Landlords will be required to provide tenants with a prescribed reason to end a periodic tenancy agreement or to not renew a fixed-term agreement.
- › Notice period to end a tenancy will increase from 28 days to 60 days.

### **Pets**

- › Landlords will not be allowed to unreasonably refuse a tenant's application to keep a pet in a rental property.

### **Modifications**

- › Landlords will not be allowed to unreasonably refuse minor modifications and safety modifications.
- › Modifications will need to be removed at the end of the tenancy if the landlord requires.

### **Minimum standards**

- › Landlords will need to ensure premises comply with minimum housing standards (prescribed under the *Housing Improvement Act 2016*).

### **Rent increases**

- › When a tenancy agreement changes from fixed to periodic the rent will not be able to be increased within 12 months of the original agreement or the last increase, not even by mutual agreement.

### **Family and domestic violence provisions**

- › Survivor tenants will no longer need to apply to SACAT to terminate a tenancy. Supporting evidence prescribed by regulation will be required instead.
- › SACAT will be allowed to refund a survivor tenant's portion of a rental bond and hold a co-tenant (listed on the lease) responsible for any damages they caused.

### **Rent bidding**

- › Rent bidding has been banned since 1 September 2023.
- › Landlords or agents must advertise premises at a fixed amount and must not solicit or otherwise invite an offer for higher rent.
- › Landlords are no longer able to advertise properties with a rent range, put properties up for rent auction, or solicit offers over the advertised rental price.



# Victoria



The *Residential Tenancies Amendment Act 2018* commenced on 29 March 2021, making over 130 amendments to *Victoria's Residential Tenancies Act 1997*.

## **Key changes include:**

### **Ending leases**

- › Landlords cannot issue a 'no specified reason' notice to vacate.
- › Landlords must provide a valid reason to end a rental agreement.

### **Rent bidding**

- › A rental can only be advertised or offered for rent at a fixed price.
- › Landlords and estate agents are banned from inviting rental bids or soliciting offers of rent higher than the advertised price.

### **Pets**

- › Tenants can keep pets at a rental property with the written consent of the landlord.
- › Landlords can apply to VCAT for an order that it is reasonable to refuse permission.

### **Minimum standards**

- › Rental minimum standards have been set for door locks, ventilation, vermin proof bins, toilets, bathroom facilities, kitchen facilities, laundry facilities, structural soundness, mould and dampness, electrical safety, window coverings, windows, lighting, and heating.

### **Modifications**

- › Tenants can make certain modifications without the landlord's consent.
- › There are modifications tenants may wish to make, for which a landlord cannot unreasonably refuse consent.

### **Urgent repairs**

- › Urgent repairs include repairs or replacements relating to air conditioning, safety devices and any fault or damage which makes the property unsafe or insecure, including pest infestations, mould or damp.

### **Rent increases**

- › Rent increases outside fixed-term agreements are limited to once a year.
- › For rent increases during a fixed-term rental agreement, the amount or calculation method must be set out in the agreement.

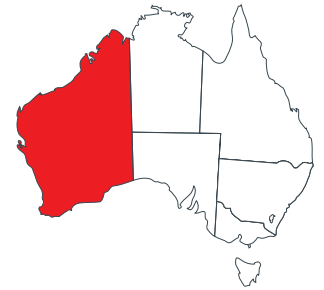
### **Family and domestic violence provisions**

- › Safeguards have been implemented to help protect tenants experiencing domestic violence.
- › VCAT can rule on the termination of residential agreements or create a new agreement that excludes the alleged perpetrator of the violence.





# Western Australia



Western Australia is in the process of reviewing its rental laws. On 29 November 2023, the Residential Tenancies Amendment Bill 2023 was introduced into Parliament and will be considered in early 2024. It is anticipated that reforms will come into effect in stages, beginning around mid-2024.

## Proposed changes include:

### **Pets**

- › Tenants will be allowed to keep pets with the landlord only able to refuse in certain circumstances (like where having a pet is prohibited by a strata by-law) or with the approval of the Commissioner for Consumer Protection.
- › The scope of the pet bond will be expanded so that it can be used to fix damage or undertake cleaning required because of the pet.
- › Landlords will be able to place reasonable conditions on the tenant keeping a pet.

### **Modifications**

- › Tenants will be allowed to make certain minor modifications to the rental property, with the landlord only able to refuse in certain circumstances or with the approval of the Commissioner for Consumer Protection.
- › Tenants will need to restore the premises to its original condition at the end of the tenancy or compensate the landlord for restoration costs.

### **Rent increases**

- › Rent increases will be limited to once every 12 months.

### **Bonds**

- › The bond disposal process will be made easier by allowing both landlords and tenants to start the application process for the release of the bond.

### **Disputes**

- › Most disputes relating to bonds, pets and minor modifications will be determined by the Commissioner for Consumer Protection rather than the Magistrates Court.

### **Rent bidding**

- › Any person (including landlords, real estate agents and property managers) will be prohibited from encouraging tenants to offer a higher rent to secure a property.

### **Ending leases**

- › Landlords will continue to be able to terminate tenancies without grounds.



# Tasmania



Tasmania's rental laws have seen no significant changes in a number of years (temporary COVID-19 emergency measures excepted).

## **Changes which came into effect on 1 October 2014 include:**

### **Rent increases**

- › Rent increases are limited to once a year.

### **Ending leases**

- › The notice period when issuing the tenant with a Notice to Vacate the property increased.

### **Rent bidding**

- › Rent bidding and advertising rent price bands is prohibited.

### **Repairs**

- › Duty imposed on landlords to repair or replace certain items.

### **Family and domestic violence provisions**

- › Tenants can change locks and install security devices without the prior consent from the landlord where a Family Violence Order is in place to protect the tenant.

### **Minimum standards**

- › Minimum standards were introduced in 2015.
- › These standards, amongst other things, cover weatherproofing, cleanliness, lockability, and heating requirements in the living room.

### **Proposed reforms**

The *Residential Tenancy (Rental Market Reform) Amendment Bill 2021* proposed changes to the legislation including restricting rent increases, introducing minimum energy efficiency standards, abolishing no cause evictions, and requiring reasonable grounds for refusing pets. However, the Bill was negated (this is where a vote "that this bill be now read a second (or third) time" is lost, basically it means it gets rejected) by Parliament on 18 October 2023.

At EBM RentCover we empower landlords and property professionals with the tools and knowledge needed to make informed decisions about landlord insurance. Got questions? Please contact a member of our Expert Care team – 1800 661 662.



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