

**LANDLORD AND TENANT (RENTAL BONDS) AMENDMENT
ACT, 1985, No. 65**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 65, 1985.

An Act to amend the Landlord and Tenant (Rental Bonds) Act, 1977, with respect to the deposit of money with the Rental Bond Board and expenditure of money in the Rental Bond Interest Account, and for other purposes. [Assented to, 15th May, 1985.]

Landlord and Tenant (Rental Bonds) Amendment 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Landlord and Tenant (Rental Bonds) Amendment Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Landlord and Tenant (Rental Bonds) Act, 1977, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS.

SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

Amendment of Act No. 44, 1977.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Transitional provisions.

6. Where, immediately before the commencement of this Act, a form was a form prescribed for any purpose, the form as so prescribed shall, until some other form has been approved by the Minister for that purpose, be deemed to have been approved by the Minister for that purpose.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS.

(1) (a) Section 4 (1), definition of "lessee", "lessor"—

Omit "is or was" wherever occurring, insert instead "proposes to become, or who is or was,".

(b) Section 4 (1), definition of "prescribed proceedings"—

Omit "against", insert instead "in relation to".

(c) Section 4 (1), definition of "rental bond"—

After "lease" wherever occurring, insert "or proposed lease".

(d) Section 4 (1), definition of "rental bond"—

After "paid" where firstly occurring, insert "before, on or after the date on which the lease became, or the proposed lease becomes, binding on the parties".

(e) Section 4 (3)—

After section 4 (2), insert:—

(3) For the purposes of the definition of "rental bond" in subsection (1), where money is deposited or paid as referred to in that definition in relation to a proposed lease and a lease between the parties, and of the premises, to which the proposal relates is entered into, the lease entered into shall be deemed to be the lease proposed at the time the money is deposited or paid, whether or not the lease entered into differs from the lease proposed at that time.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS—
continued.

(2) (a) Section 8 (1)—

Omit “Where, before the commencement of this section, a lessor under a lease has received a rental bond that, as at that commencement”, insert instead “Where, before the commencement of the Landlord and Tenant (Rental Bonds) Amendment Act, 1985, a lessor under a lease or proposed lease received a deposit or payment of money that, if it had been received after that commencement, would have been a rental bond and the money or its equivalent, as at that commencement”.

(b) Section 8 (1)—

Omit “of that rental bond”, insert instead “deposited or paid”.

(c) Section 8 (2)—

Omit the subsection, insert instead:—

(2) Where, after the commencement of the Landlord and Tenant (Rental Bonds) Amendment Act, 1985, a lessor receives a rental bond for a lease or a proposed lease, that lessor shall, notwithstanding the terms of any agreement, any rule of law or the provisions of any other Act, deposit with the Board an amount of money equivalent to the amount of that rental bond not later than 7 days (or, where some other period is prescribed for the purposes of this subsection, that other period) after—

(a) the date of receipt of that rental bond; or

(b) the date on which the lease became, or the proposed lease becomes, binding on the parties,

whichever is the later date.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS—
continued.

(d) Section 8 (5) (d)—

Omit the paragraph, insert instead:—

(d) Where paragraph (b) applies—by omitting from subsection (2) all matter following the word “after” where secondly occurring, and by inserting instead the words “that rental bond ceases to be exempt or excluded from the operation of this section”.

(3) Section 9—

After “lease” wherever occurring, insert “or proposed lease”.

(4) Section 13 (1)—

After “leasing”, insert “or proposed leasing”.

SCHEDULE 2.

(Sec. 4.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 8 (4)—

Omit “the prescribed form”, insert instead “a form approved by the Minister”.

(2) (a) Section 11 (1), (1A)—

Omit section 11 (1), insert instead—

(1) In this section—

(a) a reference to an amount of money, in relation to a lease, is a reference to an amount of money equivalent to the amount of money, or part of the amount of money, as the case may require, held on deposit by the Board in respect of that lease; and

(b) where the Board has received a notification referred to in subsection (1A) from a prescribed person or organisation—a reference to a lessee includes a reference to the prescribed person or organisation.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(1A) Where the Board is, or has been, notified that an amount of money held on deposit by the Board in respect of a lease, or that a specified part of such an amount of money, was paid to it by a prescribed person or organisation on behalf of the lessee under the lease, the Board shall, where it is required to pay out to the lessee any part of the amount of money held on deposit, pay to the prescribed person or organisation in priority to any other person so much of the amount that it is required to pay out as does not exceed the amount to which the notification relates.

(b) Section 11 (2)—

Omit “the prescribed form”, insert instead “a form approved by the Minister”.

(3) Section 16 (2)—

Omit “\$500”, insert instead “\$2,000”.

(4) Section 17 (2)—

Omit the subsection, insert instead—

(2) Notwithstanding anything in any Act, proceedings for an offence punishable under this Act may be brought—

(a) in the case of an offence in relation to a rental bond for a lease or a proposed lease—at any time before the expiration of the period of 3 years that next succeeds—

(i) the commission of the offence; or

(ii) the termination of the lease,

whichever is the later; or

(b) in any other case—at any time before the expiration of the period of 3 years that next succeeds the commission of the offence.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 2—continued.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.

(5) Section 20 (4)—

After section 20 (3), insert:—

(4) The Board may make a grant or loan from the Rental Bond Interest Account for the purposes of—

- (a) a scheme approved by the Minister for the provision of residential accommodation; or
- (b) research being conducted, with the approval of the Minister, into matters relevant to the relationship of landlord and tenant,

subject to compliance with any conditions imposed by the Minister when giving the approval.

(6) (a) Section 21—

After “may”, insert “with the approval of the Minister and subject to compliance with any conditions imposed by the Minister when giving the approval,”.

(b) Section 21—

Omit “establishment and ”, insert instead “establishment or”.

(c) Section 21—

Omit “a Rental Advisory Service”, insert instead “rental advisory services”.
