



New South Wales

# Residential Tenancies Amendment (Rental Fairness) Act 2023 No 9

## Contents

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		Page
	1 Name of Act	2
	2 Commencement	2
<b>Schedule 1</b>	<b>Amendment of Residential Tenancies Act 2010 No 42</b>	<b>3</b>
<b>Schedule 2</b>	<b>Amendment of Property and Stock Agents Regulation 2022</b>	<b>4</b>
<b>Schedule 3</b>	<b>Amendment of Residential Tenancies Regulation 2019</b>	<b>5</b>

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# Residential Tenancies Amendment (Rental Fairness) Act 2023 No 9

Act No 9, 2023

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An Act to amend the *Residential Tenancies Act 2010* to prohibit certain practices in relation to advertising or offering amounts of rent for residential premises, to provide for the transfer of rental bonds and to provide that amounts credited to the Rental Bond Account are held on trust by the Rental Bond Board; to amend the *Residential Tenancies Regulation 2019* to provide for certain penalty notice offences; to amend the *Property and Stock Agents Regulation 2022* to make a consequential amendment; and for related matters. [Assented to 3 July 2023]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Residential Tenancies Amendment (Rental Fairness) Act 2023*.

**2 Commencement**

This Act commences as follows—

- (a) for Schedules 1[1], 2 and 3—on a day or days to be appointed by proclamation,
- (b) otherwise—on the date of Assent to this Act.

## **Schedule 1      Amendment of Residential Tenancies Act 2010 No 42**

### **[1] Section 22A**

Insert before section 23—

#### **22A Prohibition on certain matters relating to advertising or soliciting amounts of rent**

- (1) A landlord or landlord's agent must not advertise or otherwise offer residential premises for rent unless a fixed amount of rent for the premises is stated in the advertisement or offer.  
Maximum penalty—
  - (a) for an individual—50 penalty units, or
  - (b) otherwise—100 penalty units.
- (2) A person does not contravene subsection (1) merely by placing a sign on or near the residential premises for rent without stating the amount of rent for the premises on the sign.
- (3) A person must not solicit or otherwise invite an offer of an amount of rent for residential premises, whether directly or indirectly, that is higher than the advertised amount of rent for the premises.  
Maximum penalty—
  - (a) for an individual—50 penalty units, or
  - (b) otherwise—100 penalty units.
- (4) The regulations may provide for matters relating to the provision of information by a person, at the times and in the way and form approved by the Secretary, for the purposes of monitoring the operation of this section.

### **[2] Section 185 Rental Bond Account**

Insert after section 185(1)—

- (1A) Amounts credited to the Rental Bond Account are held on trust by the Rental Bond Board.

### **[3] Section 186A Regulations may establish rental bond roll-over scheme**

Insert at the end of section 186A(2)(g)—

including—

- (i) the ability of landlords to terminate tenancies on the grounds bonds have not been not paid in accordance with the scheme, and
- (ii) the power of the Tribunal to make termination orders if bonds are not paid in accordance with the scheme,

### **[4] Section 186A(2)(ha)**

Insert after section 186A(2)(h)—

- (ha) matters relating to the administration of the scheme, including—
  - (i) the Secretary's powers in relation to the scheme, and
  - (ii) the systems to be used to administer and manage the scheme, and
  - (iii) the guarantee of payment of bonds to landlords,

## **Schedule 2      Amendment of Property and Stock Agents Regulation 2022**

**Schedule 1 General rules of conduct applying to all agents and assistant agents**

Omit section 22.

## **Schedule 3      Amendment of Residential Tenancies Regulation 2019**

### **Schedule 4 Penalty notice offences**

Insert in appropriate order—

Section 22A(1) and (3)—

(a)	for an individual	\$550
(b)	otherwise	\$1,100

[Second reading speech made in—  
Legislative Assembly on 10 May 2023  
Legislative Council on 22 June 2023]