



New South Wales

Residential Tenancies Amendment (Refuge or Crisis Accommodation Exemptions) Regulation 2015

under the

Residential Tenancies Act 2010

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Residential Tenancies Act 2010*.

VICTOR DOMINELLO, MP
Minister for Innovation and Better Regulation

Explanatory note

The objects of this Regulation are to amend the *Residential Tenancies Regulation 2010*:

- (a) to exempt residential tenancy agreements from the operation of the *Residential Tenancies Act 2010* (*the Act*) where the residential premises are moveable dwellings in caravan parks or manufactured home estates and the tenants have been referred by public authorities or others for temporary refuge or temporary crisis accommodation, and
- (b) to recreate an existing provision that exempts residential tenancy agreements from the operation of the Act where the tenants reside in refuge or crisis accommodation provided by public authorities or others.

This Regulation is made under the *Residential Tenancies Act 2010*, including sections 8 (1) (d), 12 and 224 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Residential Tenancies Amendment (Refuge or Crisis Accommodation Exemptions) Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 **Amendment of Residential Tenancies Regulation 2010**

Clause 14

Omit the clause. Insert instead:

14 **Refuge or crisis accommodation**

- (1) An agreement under which a person resides in refuge or crisis accommodation provided by a prescribed authority is exempted from the operation of the Act.
- (2) An agreement under which a person resides in a moveable dwelling that is in a caravan park is exempted from the operation of the Act if:
 - (a) the dwelling is owned by the owner or operator of the caravan park, and
 - (b) the person is residing in the caravan park as a result of a written referral made to the owner or operator by a prescribed authority, and
 - (c) the referral specifies that accommodation in the caravan park is required as temporary refuge or temporary crisis accommodation, and
 - (d) the referral has not expired.
- (3) For the purposes of subclause (2), a referral expires at the end of 30 days (or, if extended, 60 days) after the day on which the person commenced to reside, as a result of the referral, in the caravan park.
- (4) A referral may be extended by written request, made by the prescribed authority to the owner or operator of the caravan park, for the owner or operator to continue providing accommodation in the caravan park to the person.
- (5) The exemption of an agreement under this clause from the operation of the Act does not apply if the parties to the agreement agree in writing that the agreement is not to be exempted.
- (6) In this clause:

caravan park means land on which caravans (or caravans and other moveable dwellings) are installed or placed and includes a manufactured home estate within the meaning of the *Local Government Act 1993*.

moveable dwelling has the same meaning as in the *Local Government Act 1993* but does not include a tent.

operator of a caravan park means a person who manages, controls or otherwise operates the caravan park, whether or not the person is the owner of the caravan park.

prescribed authority means:

 - (a) a public authority, or
 - (b) a council, or
 - (c) another body or organisation that is wholly or partly funded by the Commonwealth or the State, or
 - (d) an agency of the Commonwealth or the State.