

Passed by both Houses



New South Wales

Residential Tenancies Amendment (Rental Fairness) Bill 2023

Contents

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

I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2023



New South Wales

Residential Tenancies Amendment (Rental Fairness) Bill 2023

Act No _____, 2023

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

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 |