

Landlord and Tenant (Rental Bonds) Regulation 1993

[1993-451]



New South Wales

Status Information

Currency of version

Repealed version for 15 November 2002 to 31 August 2003 (accessed 17 July 2024 at 22:33)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by the [Subordinate Legislation Act 1989 No 146](#), sec 10 (2) with effect from 1.9.2003.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Part 1 Preliminary

1 Name of Regulation

This Regulation may be cited as the *Landlord and Tenant (Rental Bonds) Regulation 1993*.

2 Commencement

This Regulation commences on 1 September 1993.

3 Definitions

In this Regulation:

Board means the Rental Bond Board constituted under the Act.

the Act means the *Landlord and Tenant (Rental Bonds) Act 1977*.

Part 2 Prescribed investments

4 Deposits with and loans to the Trustee of the Home Purchase Assistance Fund

- (1) For the purposes of sections 19 (3) (d) and 20 (3) (d) of the Act, investment by way of deposit with or loan to the Trustee for the time being of the Home Purchase Assistance Fund is prescribed as an investment which the Board may make.
- (2) In this clause, **Home Purchase Assistance Fund** means the Trust established and given that name by a deed dated 14 February 1989 and made between the following persons:
 - The Premier and the Minister for Housing on behalf of the State of New South Wales
 - The Director of Housing on behalf of the Department of Housing
 - The Secretary of the Treasury on behalf of the Treasury
 - Permanent Custodians Ltd. (as Trustee)

- Permanent Trustee Co. Ltd. (as Guarantor).

Part 3 Exemptions and exclusions

5 Short term leases of holiday houses

- (1) This clause applies to a lease of residential premises, where:
 - (a) the premises are ordinarily leased for holiday purposes only, and
 - (b) the lease is for a period of not more than 6 weeks, and
 - (c) the lessee is using, or intends to use, the premises for holiday purposes.
- (2) Any rental bond deposited or paid in respect of such a lease is exempt from the operation of all of the provisions of the Act.

6 Furnished premises let for more than \$250 per week

The provisions of section 9 (2) (b) of the Act do not apply to:

- (a) the demand of an amount of money that would, if deposited or paid, be a rental bond, or
- (b) the receipt of a rental bond,

in respect of a lease of furnished premises for which the weekly rental is \$250 or more.

6A Tenancy guarantee scheme

- (1) In this clause, **tenancy guarantee**, in relation to a lease, means an undertaking:
 - (a) given to a lessor by the Director-General of the Department of Housing, or by a person or body authorised in writing for the purposes of this clause by the Director-General, and
 - (b) that provides that, subject to specified conditions, the lessor will be indemnified up to a specified amount against loss or damage arising from any breach of the terms and conditions of the lease by a specified lessee.
- (2) A lessor is exempt from the provisions of section 9 of the Act in respect of the receipt of a tenancy guarantee.
- (3) In this clause, a reference to the **Director-General of the Department of Housing** includes a reference to the New South Wales Land and Housing Corporation and to the Department of Housing in a case where the Corporation is acting in the name of the Department.

Part 4 Miscellaneous

7 Prescribed organisations (sec 11)

- (1) The object of this clause is to identify those organisations that have priority in relation to the payment of rental bonds held by the Board.
- (2) For the purposes of section 11 (1A) of the Act, the following are prescribed organisations:
 - (a) the Department of Housing,
 - (b) the New South Wales Land and Housing Corporation.

8 Payment out of rental bond (sec 11)

- (1) The object of this clause is to fix the time within which a person must commence legal proceedings for recovery of a rental bond in the event that the Board serves notice of its intention to pay the rental bond to some other person.
- (2) For the purposes of section 11 (7) and (8) of the Act, the prescribed period is 14 days.

9 Interest payable on rental bonds (sec 11A)

- (1) The object of this clause is to fix the rate at which interest is payable, and the period over which interest is to be compounded, on a rental bond that has been lodged with the Board.
- (2) For the purposes of section 11A (2) of the Act:
 - (a) the prescribed rate at which interest is payable on a rental bond is the rate payable (as at the last day of the month for which the interest is being calculated) by the Commonwealth Bank of Australia on a Streamline Account balance of \$1,000, and
 - (b) the interest payable on a rental bond is to be compounded on 30 June and 31 December in each year.

10 Receipts (sec 12)

For the purposes of section 12 (2) of the Act, a receipt given by a lessor or lessor's agent must contain the following particulars:

- (a) the name of the tenant,
- (b) the address of the rented premises,
- (c) the amount of the rental bond,
- (d) the date of the receipt for the rental bond,

- (e) the signature of the lessor or agent.

10A Penalty notice offences

For the purposes of section 15A of the Act:

- (a) each offence arising under a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in relation to the offence in Column 4 of Schedule 1.

10B Short description of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence arising under a provision specified in Column 1 of Schedule 1 consists of the IPB Code set out in relation to the offence in Column 2, together with:
 - (a) the text set out in relation to the offence in Column 3 of that Schedule, or
 - (b) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence arising under a provision specified in Column 1 of Schedule 1, the prescribed expression is taken to relate to the offence arising under the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.
- (5) In this clause:

Infringement Processing Bureau means the Infringement Processing Bureau within the Police Service.

IPB Code, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

11 Repeal

The *Landlord and Tenant (Rental Bonds) Regulation 1977* is repealed.

Schedule 1 Penalty notice offences and short descriptions

(Clauses 10A and 10B)

Column 1	Column 2	Column 3	Column 4
Offence under the Act	IPB Code	Prescribed expression	Penalty
Section 8 (2)	7504 PAE	fail to deposit bond within required time	\$550
Section 12 (1)	7505 PAF	fail to give receipt for bond	\$220
Section 12 (2)	7506 PAG	fail to include required particulars in receipt for bond	\$110