

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

RESIDENTIAL TENANCIES (AMENDMENT) BILL 1998

EXPLANATORY MEMORANDUM

**Circulated by the authority of
Gary Humphries MLA
Minister for Justice and Community Safety**



ACT GOVERNMENT

Residential Tenancies (Amendment) Bill 1998

Clauses 1 and 2

Clauses 1 and 2 are formal requirements. Clause 1 provides for the short title of the Bill. Clause 2 provides that the Bill, but for clauses 4 and 8, commences at the same time as the *Residential Tenancies Act 1997*. Subclause 2(2) links the commencement of clauses 4 and 8 to the commencement of the *Mediation Act 1997* on 1 July 1998.

Clause 3

Clause 3 defines the meaning of the term "Principal Act" as the "*Residential Tenancies Act 1997*".

Clause 4

Clause 4 makes a consequential amendment to definition of "approved mediator" in the Residential Tenancies Act. It provides that an approved mediator means a mediator who is registered under the Mediation Act.

Clause 5

Clause 5 makes minor amendments to remove unnecessary words.

Clause 6

Clause 6 clarifies the operation of section 64 of the Residential Tenancies Act by removing the 8 week time limit on the issue of a notice under section 64. The 8 week time limit was unintended and is a misinterpretation of the Community Law Reform Committee's recommendations in Report No. 8 "Private Residential Tenancy Law".

Clause 7

Clause 7 makes a minor amendment to ensure consistency in the usage of the term "residential tenancy agreement" in the Residential Tenancies Act.

Clause 8

Clause 8 repeals Division 3 of Part VI of the Residential Tenancies Act which deals with mediators. These matters will be provided for by the Mediation Act and case management guidelines to be released by the Residential Tenancies Tribunal.