

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

**RESIDENTIAL TENANCIES (CONSEQUENTIAL
PROVISIONS) BILL 1998**

EXPLANATORY MEMORANDUM

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



ACT GOVERNMENT

Residential Tenancies (Consequential Provisions) Bill 1998

Clauses 1, 2 and 3

Clauses 1 and 2 are formal requirements. Clause 1 provides for the short title of the Bill. Clause 2 provides that this Bill commences when the *Residential Tenancies Act 1997* commences. Clause 3 provides for the interpretation of certain terms used in the Bill.

Clause 4

Clause 4 deals with bond monies held in trust under the old regime of the *Landlord and Tenant Act 1949*.

Clause 5

Clause 5 deals with condition reports given by the lessor or tenant under the old regime of the *Landlord and Tenant Act*.

Clause 6

Clause 6 deals with applications for the payment of bond money. Where a person makes an application for the payment of bond money under the *Landlord and Tenant Act* and that money had not been paid out, this clause provides for the continuation of that application under the *Residential Tenancies Act*.

Clause 7

Clause 7 deals with a notice to quit given under the old regime of the *Landlord and Tenant Act* and provides for its continuing effect under the *Residential Tenancies Act*.

Clauses 8 and 9

Clauses 8 and 9 repeals all the primary and sub-ordinate legislation under the old *Landlord and Tenant Act* regime.

Clause 10

Clause 10 provides that the *Forfeiture of Lease Act 1901 (NSW)* does not apply with respect to residential tenancy agreements covered by the *Residential Tenancies Act*.

Clause 11

Clause 11 makes a consequential amendment to the *Housing Assistance Act 1987*.

Clause 12

Clause 12 provides that the Part XI of the *Land Titles Act 1925* does not apply with respect to residential tenancy agreements covered by the Residential Tenancies Act

Clause 13

Clause 13 provides that the *Landlord and Tenant Act 1899 (NSW)* does not apply with respect to residential tenancy agreements covered by the Residential Tenancies Act.

Clause 14

Clause 14 provides that the *Recovery of Lands Act 1929* does not apply with respect to residential tenancy agreements covered by the Residential Tenancies Act.

Clauses 15, 16 and 17

Clause 15 defines the meaning of "Principal Act" to be the "*Uncollected Goods Act 1996*"

Clauses 16 provides that Division 4 of Part II of the *Uncollected Goods Act 1996* does not apply with respect to premises where the Commissioner for Housing is the lessor in a residential tenancy agreement covered by the Residential Tenancies Act.

Clause 17 provides that Part IV of *Uncollected Goods Act* does not apply to premises where the Commissioner for Housing is the lessor in a residential tenancy agreement covered by the Residential Tenancies Act.

The effect of these clauses is to ensure that goods found on premises where the Commissioner for Housing is the lessor are dealt with under the normal provisions of the *Uncollected Goods Act* as if they were goods on normal land, rather than public or unleased land or premises that are controlled by the Territory.