

Australian Capital Territory

Housing and Consumer Affairs Legislation Amendment Act 2026

A2026-21

Contents

Page

Part 1 Preliminary

1 Name of Act 2
2 Commencement 2
3 Legislation amended 3

Part 2 Land Titles Act 1925

4 Parties interested may enter caveat Section 30 (1) 4
5 Section 30 (2) 4
6 New section 30 (2A) 4

J2025-552

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

		Page
7	Mortgagee to receive rent Section 99 (4)	4
8	Lodging of caveat New section 104 (4) (ba)	4
9	Section 104 (6)	5
10	Section 104 (7)	5
11	Section 104 (8)	5
12	Notice of caveat Section 105 (1)	5
13	Section 105 (1)	6
14	Section 105 (2) (a)	6
15	Section 105 (4)	6
16	Surrender and regrant of lease of land affected by caveat Section 105A (1) (b)	6
17	Section 106 heading	6
18	Section 106 (1)	7
19	Section 106 (4)	7
20	Section 107 heading	7
21	Effect on dealings Section 107A (1)	7
22	Registrar-general to carry out order of court vesting trust estate Section 128 (3)	7
23	Dictionary, definition of *court*	8

Part 3 Residential Tenancies Act 1997

24	Reduction of existing rent New section 71 (1A)	9
25	Section 71 (2)	9
26	Section 71 (3) (a)	9
27	Section 71 (3) (b)	10
28	New section 71 (6)	10
29	Rent reduction for lessor's failure to comply with a minimum housing standard Section 71AAA (3) (a) and (b)	12

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Page

30 Lessor's costs
Schedule 1, clause 43 12

31 Tenant's costs
Schedule 1, clause 46 13

32 Urgent repairs
Schedule 1, clause 60 (h) 13

Part 4 Retirement Villages Act 2012

33 Meaning of *residence right*
Section 8 (1), definition of *residence right*, paragraph (a) (iii) 14

34 General inquiry document
Section 23 (2), note 14

35 Disclosure statement
Section 24 (3), note 1 14

36 Consequence of resident's rescission of other village contract
Section 58 (3) 14

37 Section 58 (5) 15

38 Meaning of *resident*—pt 6
Section 77A, definition of *resident*, note 15

39 Compliance with village rules by people other than operator and residents
Section 88 (1) (a) 15

40 Sections 174A and 175 15

41 Dispute resolution—disputes committee
Division 8.1A 15

42 Section 178 16

43 Recurrent charges for optional services
Section 209 (4), definition of *resident* 16

44 Recurrent charges for general services—registered interest holders
Section 210 (4), new example 17

45 Section 210 (5), example 17

46 Dictionary, definition of *disputes committee* 17

47 Dictionary, definition of *resident*, paragraph (b) (vi) 17

48 Dictionary, definition of *resident*, paragraph (b) (vii) 17

49 Dictionary, definition of *tenant*, paragraph (a) 18

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

		Page
50	Further amendments, notes	18
Part 5	**Retirement Villages Regulation 2013**	
51	Schedule 2, section 2.1	19
52	Special resolution—quorum Schedule 4, section 4.10 (2) (a)	19
53	Dictionary, note 2	19
Part 6	**Unit Titles (Management) Act 2011**	
54	Quorum at a general meeting—owners corporation with 3 or more members Schedule 3, section 3.9 (1) (a)	20
55	Notice of reduced quorum decisions and adjournments Schedule 3, section 3.10 (2)	20
56	Reduced quorum decisions—effect Schedule 3, section 3.11 (1)	20
57	Schedule 3, section 3.11 (3) and (4)	20
58	Proxy votes Schedule 3, section 3.26 (2)	21
59	Schedule 3, section 3.26 (3)	21
60	Schedule 3, new section 3.26 (5) and (6)	21
61	Proxy votes—limit on developer Schedule 3, section 3.27 (2)	22
62	Schedule 3, section 3.27 (2) (c)	22
63	Schedule 3, section 3.27 (4) (d)	22
64	Absentee votes Schedule 3, section 3.31 (4)	23

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



Australian Capital Territory

Housing and Consumer Affairs Legislation Amendment Act 2026

A2026-21

An Act to amend legislation about housing and consumer affairs

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2025-552

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Housing and Consumer Affairs Legislation Amendment Act 2026*.

2 Commencement

(1) Section 3 commences on the day after this Act's notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

(2) The following provisions commence 3 months after this Act's notification day:

- part 2 (Land Titles Act 1925)
- section 52
- part 6 (Unit Titles (Management) Act 2011).

(3) The following provisions commence 6 months after this Act's notification day:

- part 4 (Retirement Villages Act 2012)
- part 5 (Retirement Villages Regulation 2013), other than section 52.

(4) Part 3 (Residential Tenancies Act 1997) commences on a day fixed by the Minister by written notice.

Note A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

(5) If part 3 has not commenced within 1 year beginning on this Act's notification day, it automatically commences on the first day after that period.

(6) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to part 3.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

3 Legislation amended

This Act amends the legislation mentioned in parts 2 to 6.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 2 Land Titles Act 1925

4 Parties interested may enter caveat Section 30 (1)

omit

in the ACT

5 Section 30 (2)

omit

some address within the ACT is appointed therein as the place at which notices and proceedings relating to the caveat may be served

substitute

an address or place in Australia is stated in the caveat as an address for service of notices and proceedings relating to the caveat

6 New section 30 (2A)

insert

(2A) A caveat may also state an email address as an additional address for service of notices and proceedings relating to the caveat.

7 Mortgagee to receive rent Section 99 (4)

omit

8 Lodging of caveat New section 104 (4) (ba)

insert

(ba) the reinstatement of a lapsed caveat under section 106 (2); or

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

9 Section 104 (6)

omit

in the ACT

10 Section 104 (7)

omit

some address or place within the ACT is specified in the caveat as the address

substitute

an address or place in Australia is stated in the caveat as an address

11 Section 104 (8)

substitute

(8) A caveat may also state an email address as an additional address for service of notices and proceedings relating to the caveat.

12 Notice of caveat Section 105 (1)

omit

Upon the receipt of a caveat, the registrar-general shall notify the receipt to

substitute

On registration of a caveat, the registrar-general must notify

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

13 Section 105 (1)

omit

lodged

substitute

registered

14 Section 105 (2) (a)

after

subsection (1);

insert

or

15 Section 105 (4)

omit

16 Surrender and regrant of lease of land affected by caveat Section 105A (1) (b)

substitute

(b) the caveat continues in operation; and

17 Section 106 heading

substitute

106 Lapse and reinstatement of caveats—registration of documents

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

18 Section 106 (1)

omit

lodged against

substitute

registered against the title of

19 Section 106 (4)

omit

20 Section 107 heading

substitute

107 Removal of caveat on application by registered proprietor

21 Effect on dealings Section 107A (1)

omit

remains in force

substitute

continues in operation

22 Registrar-general to carry out order of court vesting trust estate Section 128 (3)

omit

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

23 Dictionary, definition of *court*

substitute

court means the Supreme Court or any other court that has jurisdiction in relation to the matters mentioned in this Act.

Example—court that has jurisdiction

a court having jurisdiction under the *Family Law Act 1975* (Cwlth)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 3 Residential Tenancies Act 1997

24 Reduction of existing rent New section 71 (1A)

insert

(1A) In considering whether to make an order under subsection (1), the ACAT must not take into account any action taken by the lessor to reduce greenhouse gas emissions in relation to gas or LPG consumption at the premises, unless—

(a) no electricity connection is active at the premises; or

(b) the action taken is otherwise unreasonable or impracticable in the circumstances.

25 Section 71 (2)

substitute

(2) For subsection (1) (c), a tenant's quiet enjoyment of premises is interfered with if there is substantial interference with, or a significant lessening of freedom in exercising, the tenant's rights under the agreement.

26 Section 71 (3) (a)

omit

the later date that the ACAT specifies

substitute

any later date ordered by the ACAT

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

27 Section 71 (3) (b)

omit

specified

substitute

ordered

28 New section 71 (6)

insert

(6) In this section:

active—an electricity connection, gas connection or LPG connection at premises is ***active*** if—

(a) for an electricity connection—the connection allows the flow of electricity from the electricity distribution network to the premises; and

(b) for a gas connection—the connection allows the flow of gas from the gas distribution network to the premises; and

(c) for an LPG connection—the connection allows the flow of LPG from the tank or cylinder to the premises.

consumer piping system—see the *Gas Safety Act 2000*, dictionary.

electricity connection, in relation to tenancy premises, means the physical connection that allows the flow of electricity from the electricity distribution network to—

(a) the tenancy premises; or

(b) premises on which the tenancy premises are located.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

electricity distribution network—see the *Utilities Act 2000*, section 7 (2).

gas—see the *National Energy Retail Law (ACT)*, section 2 (1).

gas appliance—see the *Gas Safety Act 2000*, section 6A.

gas connection, in relation to tenancy premises, means the physical connection that allows the flow of gas from the gas distribution network to—

(a) the tenancy premises; or

(b) premises on which the tenancy premises are located.

gas distribution network—see the *Utilities Act 2000*, section 10 (2).

greenhouse gas emissions—see the *Climate Change and Greenhouse Gas Reduction Act 2010*, dictionary.

LPG means a flammable mixture composed predominantly of 1 or more of the following:

(a) butane;

(b) butene (butylene);

(c) isobutane;

(d) propane;

(e) propene (propylene).

LPG connection, in relation to tenancy premises, means a consumer piping system that allows the flow of LPG from an LPG storage tank or cylinder to—

(a) the tenancy premises; or

(b) premises on which the tenancy premises are located.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

reducing greenhouse gas emissions, in relation to gas or LPG consumption at tenancy premises means—

(a) withdrawing any or all gas appliances supplied with the premises; or

(b) arranging for any part of the gas connection or LPG connection at the premises to be blocked, removed or otherwise physically disconnected.

tenancy premises means premises the subject of a residential tenancy agreement.

29 Rent reduction for lessor's failure to comply with a minimum housing standard Section 71AAA (3) (a) and (b)

omit

stated

substitute

ordered

30 Lessor's costs Schedule 1, clause 43

substitute

43 (1) The lessor must pay for the physical connection of any services (eg water, electricity, gas, telephone, internet) in relation to the premises.

(2) However, in relation to a gas connection or LPG connection (the meanings of gas, gas connection, LPG, LPG connection and gas appliance are set out in the Residential Tenancies Act)—

(a) if no gas appliance is supplied with the premises—subsection (1) does not apply; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) if the lessor withdraws all gas appliances supplied with the premises at any time during the tenancy—the lessor must pay if the lessor arranges for the gas connection or LPG connection at the premises to be blocked, removed or otherwise physically disconnected.

31 Tenant's costs Schedule 1, clause 46

substitute

46 The tenant is responsible for, and must pay for—

(a) activating an existing electricity connection, existing gas connection or existing LPG connection for electricity, gas or LPG that will be supplied in the tenant's name (the meanings of active, electricity connection, gas connection and LPG connection are set out in the Residential Tenancies Act); and

(b) activating other services that will be supplied in the tenant's name (eg telephone, internet); and

(c) all charges associated with the consumption of services supplied to the premises.

32 Urgent repairs Schedule 1, clause 60 (h)

substitute

(h) a failure of electricity or water supply to the premises;

(ha) if a gas connection or LPG connection is active at the premises—a failure of gas supply or LPG supply to the premises (the meanings of gas, gas connection, LPG, LPG connection and active are set out in the Residential Tenancies Act);

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 4 Retirement Villages Act 2012

33 Meaning of *residence right* Section 8 (1), definition of *residence right*, paragraph (a) (iii)

substitute

(iii) in the form of a lease, licence, arrangement or agreement of any kind, other than a residential tenancy agreement—

(A) entered into under division 10.5 (Sale or letting of premises—registered interest holders); or

(B) that contains a term to the effect that this Act does not apply to the residential premises; or

34 General inquiry document Section 23 (2), note

omit

35 Disclosure statement Section 24 (3), note 1

omit

36 Consequence of resident's rescission of other village contract Section 58 (3)

omit

subsection (1)

substitute

subsection (2)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

37 Section 58 (5)

omit

subsection (2)

substitute

subsection (3)

38 Meaning of *resident*—pt 6 Section 77A, definition of *resident*, note

omit

39 Compliance with village rules by people other than operator and residents Section 88 (1) (a)

omit

division 10.5 (Sale or letting of premises by certain residents)

substitute

division 10.5 (Sale or letting of premises—registered interest holders)

40 Sections 174A and 175

substitute

174A Meaning of *resident*—pt 8

In this part:

resident, of a retirement village, includes a former occupant of the retirement village.

41 Dispute resolution—disputes committee Division 8.1A

omit

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

42 Section 178

substitute

178 Dispute resolution not to be limited

(1) Nothing in this division—

(a) prevents the operator and residents of a retirement village from establishing a process in the village for attempting to resolve disputes in the village; or

(b) requires a resident of a retirement village to attempt to resolve a dispute with the operator of the village before—

(i) applying to the ACAT under section 176; or

(ii) making a complaint under the *Human Rights Commission Act 2005*.

(2) However, a term of a village contract is void if the term—

(a) provides that the parties to the contract must attempt to resolve disputes between them by a process other than a process provided for under this Act or another territory law; or

(b) excludes or limits a process to resolve disputes provided for under this Act or another territory law.

Note The *ACT Civil and Administrative Tribunal Act 2008*, s 35 provides for the ACAT to, before the hearing of an application, order mediation if the ACAT considers that the matter is suitable for mediation and is reasonably likely to be resolved by mediation.

43 Recurrent charges for optional services Section 209 (4), definition of *resident*

substitute

resident, of a retirement village, includes a former occupant of the retirement village.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

44 Recurrent charges for general services—registered interest holders Section 210 (4), new example

insert

Example

A has moved from a retirement village operated by B into a residential care home. A's village contract states that A is entitled to 100% of the capital gain. However, under A's contract, A is liable to pay a departure fee worked out as 25% of an incoming resident's ingoing contribution. Therefore, B's share of the capital gain is taken to be 25% and B is liable to pay 25% of the recurrent charges for general services, and A is liable to pay the remaining 75%.

45 Section 210 (5), example

omit

46 Dictionary, definition of *disputes committee*

omit

47 Dictionary, definition of *resident*, paragraph (b) (vi)

omit

(except division 8.1A)

substitute

(Disputes)

48 Dictionary, definition of *resident*, paragraph (b) (vii)

omit

division 10.5 (Sale or letting of premises by certain residents)

substitute

division 10.5 (Sale or letting of premises—registered interest holders)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

49 Dictionary, definition of *tenant*, paragraph (a)

omit

division 10.5 (Sale or letting of premises by certain residents)

substitute

division 10.5 (Sale or letting of premises—registered interest holders)

50 Further amendments, notes

omit

Note Power to make a regulation in relation to a matter includes power to make provision in relation to a class of matter (see Legislation Act, s 48 (2)).

in

- section 7
- section 11
- sections 66 and 67
- section 135

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 5 Retirement Villages Regulation 2013

51 Schedule 2, section 2.1

substitute

2.1 Dispute resolution

A village contract must not include a provision that—

(a) provides that the parties to the contract must attempt to resolve disputes between them by a process other than a process provided for under the Act or another territory law; or

(b) excludes or limits a process to resolve disputes provided for under the Act or another territory law.

52 Special resolution—quorum Schedule 4, section 4.10 (2) (a)

omit

1/3

substitute

1/4

53 Dictionary, note 2

insert

- residence right

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 6 Unit Titles (Management) Act 2011

54 Quorum at a general meeting—owners corporation with 3 or more members Schedule 3, section 3.9 (1) (a)

substitute

(a) a quorum (a ***standard quorum***) made up by people entitled to vote on the motion in relation to not less than 1/4 the total number of units, including for a units plan that is a retirement village; or

55 Notice of reduced quorum decisions and adjournments Schedule 3, section 3.10 (2)

omit

reduced quorum decision notice

substitute

notice under subsection (1)

56 Reduced quorum decisions—effect Schedule 3, section 3.11 (1)

substitute

(1) A reduced quorum decision takes effect on the day after the decision is made.

57 Schedule 3, section 3.11 (3) and (4)

omit

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

58 Proxy votes Schedule 3, section 3.26 (2)

substitute

(2) A person entitled to vote at a general meeting of an owners corporation—

(a) may appoint someone else as a proxy, either generally or in relation to a stated motion; but

(b) must not—

(i) appoint a proxy for more than 1 year after the day the appointment is made; or

(ii) appoint a person as a proxy if the person is—

(A) the manager; or

(B) a service contractor.

59 Schedule 3, section 3.26 (3)

omit

matter

substitute

motion

60 Schedule 3, new section 3.26 (5) and (6)

insert

(5) A person whose proxy takes part in a meeting in accordance with this section—

(a) is taken, for all purposes, to be present at the meeting; and

(b) if the proxy exercises a proxy vote on a motion—is taken to have voted on the motion.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(6) However, subsection (5) (b) does not apply if the proxy is not appointed in relation to a particular motion being considered at the meeting.

61 Proxy votes—limit on developer Schedule 3, section 3.27 (2)

omit

matter

substitute

motion

62 Schedule 3, section 3.27 (2) (c)

omit

(the ***development matter***)

substitute

(the ***development motion***)

63 Schedule 3, section 3.27 (4) (d)

omit

matter

substitute

motion

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

64 Absentee votes Schedule 3, section 3.31 (4)

substitute

(4) A person who casts an absentee vote under this section is taken—

(a) to be present at the general meeting at which the motion is considered, including for the purpose of making up a quorum; and

(b) to have voted on the resolution.

Note An absentee vote may only be cast on a motion for which notice has been given in advance, because an absentee vote may only be cast before the meeting begins (see s (1)).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 17 September 2026.

2 Notification

Notified under the Legislation Act on 9 November 2026.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Housing and Consumer Affairs Legislation Amendment Bill 2026, which was passed by the Legislative Assembly on 29 October 2026.

Clerk of the Legislative Assembly

© Australian Capital Territory 2026

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au