

2026

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Housing and Consumer Affairs Legislation Amendment Bill 2026

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Housing and Consumer Affairs Legislation Amendment Bill 2026

A Bill for

An Act to amend legislation about housing and consumer affairs

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

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

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

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

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

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

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

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

21 *Note* A single day or time may be fixed, or different days or times may be
22 fixed, for the commencement of different provisions (see [Legislation Act](#),
23 s 77 (1)).

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

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

1 **3 Legislation amended**

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

in the ACT

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

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

omit

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

1 **9 Section 104 (6)**

2 *omit*
3 in the ACT

4 **10 Section 104 (7)**

5 *omit*
6 some address or place within the ACT is specified in the caveat as the
7 address
8 *substitute*
9 an address or place in Australia is stated in the caveat as an address

10 **11 Section 104 (8)**

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

14 **12 Notice of caveat**
15 **Section 105 (1)**

16 *omit*
17 Upon the receipt of a caveat, the registrar-general shall notify the
18 receipt to
19 *substitute*
20 On registration of a caveat, the registrar-general must notify

Section 13

1	13	Section 105 (1)
2		<i>omit</i>
3		lodged
4		<i>substitute</i>
5		registered
6	14	Section 105 (2) (a)
7		<i>after</i>
8		subsection (1);
9		<i>insert</i>
10		or
11	15	Section 105 (4)
12		<i>omit</i>
13	16	Surrender and regrant of lease of land affected by caveat
14		Section 105A (1) (b)
15		<i>substitute</i>
16		(b) the caveat continues in operation; and
17	17	Section 106 heading
18		<i>substitute</i>
19	106	Lapse and reinstatement of caveats—registration of
20		documents

1	18	Section 106 (1)
2		<i>omit</i>
3		lodged against
4		<i>substitute</i>
5		registered against the title of
6	19	Section 106 (4)
7		<i>omit</i>
8	20	Section 107 heading
9		<i>substitute</i>
10	107	Removal of caveat on application by registered proprietor
11	21	Effect on dealings
12		Section 107A (1)
13		<i>omit</i>
14		remains in force
15		<i>substitute</i>
16		continues in operation
17	22	Registrar-general to carry out order of court vesting trust
18		estate
19		Section 128 (3)
20		<i>omit</i>

1 **23 Dictionary, definition of *court***

2 *substitute*

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

5 **Example—court that has jurisdiction**

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

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

27 Section 71 (3) (b)

2 *omit*
3 specified
4 *substitute*
5 ordered

28 New section 71 (6)

7 *insert*

8 (6) In this section:

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

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

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

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

18 ***consumer piping system***—see the [Gas Safety Act 2000](#), dictionary.

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

22 (a) the tenancy premises; or

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

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

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

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

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

8 (a) the tenancy premises; or

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

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

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

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

15 (a) butane;

16 (b) butene (butylene);

17 (c) isobutane;

18 (d) propane;

19 (e) propene (propylene).

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

23 (a) the tenancy premises; or

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

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

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

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

8 *tenancy premises* means premises the subject of a residential tenancy
9 agreement.

10 **29 Rent reduction for lessor's failure to comply with a**
11 **minimum housing standard**
12 **Section 71AAA (3) (a) and (b)**

13 *omit*

14 *stated*

15 *substitute*

16 *ordered*

17 **30 Lessor's costs**
18 **Schedule 1, clause 43**

19 *substitute*

20 43 (1) The lessor must pay for the physical connection of any services
21 (eg water, electricity, gas, telephone, internet) in relation to the
22 premises.

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

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

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

6 **31 Tenant's costs**
7 **Schedule 1, clause 46**

8 *substitute*

9 46 The tenant is responsible for, and must pay for—

- 10 (a) activating an existing electricity connection, existing gas
11 connection or existing LPG connection for electricity, gas or
12 LPG that will be supplied in the tenant's name (the meanings of
13 active, electricity connection, gas connection and LPG
14 connection are set out in the Residential Tenancies Act); and
15 (b) activating other services that will be supplied in the tenant's
16 name (eg telephone, internet); and
17 (c) all charges associated with the consumption of services supplied
18 to the premises.

19 **32 Urgent repairs**
20 **Schedule 1, clause 60 (h)**

21 *substitute*

- 22 (h) a failure of electricity or water supply to the premises;
23 (ha) if a gas connection or LPG connection is active at the premises—
24 a failure of gas supply or LPG supply to the premises (the meanings
25 of gas, gas connection, LPG, LPG connection and active are set out
26 in the Residential Tenancies Act);

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)

1	37	Section 58 (5)
2		<i>omit</i>
3		subsection (2)
4		<i>substitute</i>
5		subsection (3)
6	38	Meaning of <i>resident</i>—pt 6
7		Section 77A, definition of <i>resident</i>, note
8		<i>omit</i>
9	39	Compliance with village rules by people other than
10		operator and residents
11		Section 88 (1) (a)
12		<i>omit</i>
13		division 10.5 (Sale or letting of premises by certain residents)
14		<i>substitute</i>
15		division 10.5 (Sale or letting of premises—registered interest holders)
16	40	Sections 174A and 175
17		<i>substitute</i>
18	174A	Meaning of <i>resident</i>—pt 8
19		In this part:
20		<i>resident</i> , of a retirement village, includes a former occupant of the
21		retirement village.
22	41	Dispute resolution—disputes committee
23		Division 8.1A
24		<i>omit</i>

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.

1 **44 Recurrent charges for general services—registered**
2 **interest holders**
3 **Section 210 (4), new example**

4 *insert*

5 **Example**

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

12 **45 Section 210 (5), example**

13 *omit*

14 **46 Dictionary, definition of *disputes committee***

15 *omit*

16 **47 Dictionary, definition of *resident*, paragraph (b) (vi)**

17 *omit*

18 (except division 8.1A)

19 *substitute*

20 (Disputes)

21 **48 Dictionary, definition of *resident*, paragraph (b) (vii)**

22 *omit*

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

24 *substitute*

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

- 1 **49 Dictionary, definition of *tenant*, paragraph (a)**
- 2 *omit*
- 3 division 10.5 (Sale or letting of premises by certain residents)
- 4 *substitute*
- 5 division 10.5 (Sale or letting of premises—registered interest holders)
- 6 **50 Further amendments, notes**
- 7 *omit*
- 8 *Note* Power to make a regulation in relation to a matter includes power to make
- 9 provision in relation to a class of matter (see [Legislation Act](#), s 48 (2)).
- 10 *in*
- 11 • section 7
- 12 • section 11
- 13 • sections 66 and 67
- 14 • section 135

1 **Part 5** **Retirement Villages**
2 **Regulation 2013**

3 **51** **Schedule 2, section 2.1**

4 *substitute*

5 **2.1** **Dispute resolution**

6 A village contract must not include a provision that—

- 7 (a) provides that the parties to the contract must attempt to resolve
8 disputes between them by a process other than a process
9 provided for under the Act or another territory law; or
10 (b) excludes or limits a process to resolve disputes provided for
11 under the Act or another territory law.

12 **52** **Special resolution—quorum**
13 **Schedule 4, section 4.10 (2) (a)**

14 *omit*

15 1/3

16 *substitute*

17 1/4

18 **53** **Dictionary, note 2**

19 *insert*

- 20
 - residence right

1	Part 6	Unit Titles (Management)
2		Act 2011
3	54	Quorum at a general meeting—owners corporation with
4		3 or more members
5		Schedule 3, section 3.9 (1) (a)
6		<i>substitute</i>
7		(a) a quorum (a <i>standard quorum</i>) made up by people entitled to
8		vote on the motion in relation to not less than $\frac{1}{4}$ the total number
9		of units, including for a units plan that is a retirement village; or
10	55	Notice of reduced quorum decisions and adjournments
11		Schedule 3, section 3.10 (2)
12		<i>omit</i>
13		reduced quorum decision notice
14		<i>substitute</i>
15		notice under subsection (1)
16	56	Reduced quorum decisions—effect
17		Schedule 3, section 3.11 (1)
18		<i>substitute</i>
19		(1) A reduced quorum decision takes effect on the day after the decision
20		is made.
21	57	Schedule 3, section 3.11 (3) and (4)
22		<i>omit</i>

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.

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

4 **61 Proxy votes—limit on developer**
5 **Schedule 3, section 3.27 (2)**

- 6 *omit*
7 matter
8 *substitute*
9 motion

10 **62 Schedule 3, section 3.27 (2) (c)**

- 11 *omit*
12 (the *development matter*)
13 *substitute*
14 (the *development motion*)

15 **63 Schedule 3, section 3.27 (4) (d)**

- 16 *omit*
17 matter
18 *substitute*
19 motion

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)).

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 2026.

3 Republications of amended laws

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

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