

Queensland



RESIDENTIAL TENANCIES AMENDMENT ACT 1999

Act No. 5 of 1999

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AMENDMENT ACT 1999**

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Residential Tenancies Amendment Act 1999

Act No. 5 of 1999

An Act to amend the *Residential Tenancies Act 1994*

[Assented to 18 March 1999]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Residential Tenancies Amendment Act 1999*.

Commencement

2. This Act is taken to have commenced on 1 December 1998 immediately after the commencement on that day of the provisions mentioned in the *Residential Tenancies Amendment Act 1998*, section 2(3).

Act amended

3. This Act amends the *Residential Tenancies Act 1994*.

Replacement of s 77 (Payments above maximum amount)

4. Section 77—

omit, insert—

‘Payments above maximum amount

‘77.(1) A person must not require payment of, or accept, a rental bond more than, or amounts as rental bond totalling more than—

- (a) if paragraph (b) does not apply—the maximum rental bond for the agreement; or
- (b) if the lessor is the tenant’s employer and gives the tenant a rental subsidy—the amount fixed under subsection (2).

Maximum penalty—20 penalty units.

‘(2) For subsection (1)(b), the amount is the greater of the following amounts—

- (a) \$400;
- (b) the maximum rental bond for the agreement.

‘(3) Subsection (1) does not apply if the weekly rent under the agreement is more than—

- (a) the amount prescribed under a regulation; or
- (b) if an amount is not prescribed—\$300.’.

Amendment of s 91A (Water service charge for premises other than moveable dwelling premises)

5. Section 91A(4)—

omit, insert—

‘(4) The tenant has to pay an amount for the outgoings only if—

- (a) the premises are individually metered for the water supply; or
- (b) water is supplied to the premises by delivery by vehicle.’.

Amendment of s 231 (Meaning of “urgent application”)

6. Section 231(5), after seventh dot point—

insert—

- section 222 (Order about abandonment)’.

Amendment of s 233 (Making dispute resolution request)

7.(1) Section 233(3)—

omit.

(2) Section 233(4)—

renumber as section 233(3).

Insertion of new ch 11, pt 3

8. Chapter 11—

insert—

‘PART 3—TRANSITIONAL PROVISIONS FOR RESIDENTIAL TENANCIES AMENDMENT ACT 1999

‘Definition for pt 3

‘344. In this part—

“assent day” means the date of assent of the *Residential Tenancies Amendment Act 1999*.

‘Particular rental bond payments lawful

‘345.(1) It is declared that, between 1 December 1998 and the assent day, despite existing section 77, a person who requires payment of, or accepts, a rental bond that is in accordance with replacement section 77 does not contravene existing section 77.

‘(2) In this section—

“existing section 77” means section 77 as amended by the *Residential Tenancies Amendment Act 1998* and in force immediately before the commencement of the *Residential Tenancies Amendment Act 1999*.

“replacement section 77” means section 77 as inserted by the *Residential Tenancies Amendment Act 1999*.

‘Particular water service charges lawful

‘346.(1) It is declared that, between 1 December 1998 and the assent day, despite existing section 91A(4), a requirement made under an agreement for premises by a lessor that, in accordance with replacement section 91A(4), requires a tenant to pay a water service charge for water supplied to the premises by delivery by vehicle does not contravene existing section 91A(4).

‘(2) In this section—

“existing section 91A(4)” means section 91A(4) as amended by the *Residential Tenancies Amendment Act 1998* and in force immediately before the commencement of the *Residential Tenancies Amendment Act 1999*.

“replacement section 91A(4)” means section 91A(4) as inserted by the *Residential Tenancies Amendment Act 1999*.

‘Particular applications to tribunal valid

‘347. To remove doubt, it is declared that, between 1 December 1998 and the assent day, neither the hearing by the tribunal of an application by a lessor under section 222 as if it were an urgent application under section 231, nor a decision or order on the application, is invalid only because the application was heard and decided without the lessor having complied with section 231(1).

‘Expiry

‘348. This part expires 1 year after it commences.’.

Amendment of sch 3 (Dictionary)

9. Schedule 3, definitio n **“maximum rental bond”** paragraph (a)—
omit, insert—

‘(a) for movable dwelling premises—

- (i) if the tenancy is a long tenancy (moveable dwelling) and electricity supplied to the premises is supplied in the lessor’s name and individually metered—3 weeks; or
- (ii) otherwise—2 weeks; or’.