

Queensland



**RESIDENTIAL TENANCIES
AND OTHER LEGISLATION
AMENDMENT ACT 2003**

Act No. 36 of 2003

Queensland



RESIDENTIAL TENANCIES AND OTHER LEGISLATION AMENDMENT ACT 2003

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AMENDMENTS OF RESIDENTIAL TENANCIES ACT 1994

Queensland



**Residential Tenancies and Other Legislation
Amendment Act 2003**

Act No. 36 of 2003

An Act to amend the *Residential Tenancies Act 1994* and other Acts

[Assented to 2 June 2003]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Residential Tenancies and Other Legislation Amendment Act 2003*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

PART 2—AMENDMENT OF RESIDENTIAL TENANCIES ACT 1994

3 Act amended in pt 2 and schedule

This part and the schedule amend the *Residential Tenancies Act 1994*.

4 Omission of s 3B (Conciliator)

Section 3B—

omit.

5 Insertion of new ss 14A and 14B

Chapter 1, part 3, after section 14—

insert—

‘14A Provision stating that lessor or lessor’s agent must do something

‘(1) This section applies to a provision of this Act stating that the lessor or lessor’s agent must do something (the “**required act**”).

‘(2) The reference in the provision to the lessor’s agent is a reference to a person who is the agent of the lessor to do the required act.

‘(3) If the required act is done, whether by the agent or personally by the lessor, both the lessor and the agent are taken to have complied with the provision.

‘(4) If the required act is omitted to be done, both the lessor and the agent are taken to have contravened the provision and, if the contravention is an offence—

- (a) each of them may be dealt with for the offence; and
- (b) section 315(2)¹ applies to a proceeding for the offence.

‘14B Lessor’s agent

‘A reference in a provision of this Act to something being done by a lessor, without mentioning an agent of the lessor, does not, by implication, limit the extent to which the thing may be done by an agent of the lessor.’

6 Amendment of s 27 (Approved supported accommodation)

(1) Section 27, heading—

omit, insert—

‘27 Headleases for approved supported accommodation’.

(2) Section 27(2), ‘subsection (1)’—

omit insert—

‘subsection (2)’.

(3) Section 27(2)—

renumber as section 27(3).

(4) Section 27(1)—

omit, insert—

‘(1) This Act does not apply to an agreement relating to the letting of premises (the “**headlease**”) entered into by an entity as tenant for the

¹ Section 315 (Responsibility for acts or omissions of representatives)

purpose of using the premises to provide approved supported accommodation.

‘(2) Subsection (1) does not prevent this Act from applying to a residential tenancy agreement under which the tenant under the headlease lets the premises to a person to provide the person with approved supported accommodation.’.

7 Replacement of s 40 (Giving and signing written agreement)

Section 40—

omit, insert—

‘40 Giving and signing written agreement

‘(1) The lessor or lessor’s agent must give the document prepared for section 39 to the tenant for signing.

‘(2) Within 5 days after receiving the document, the tenant must sign the document and return it to the lessor or lessor’s agent.

‘(3) Within 14 days after receiving the document signed by the tenant, the lessor or lessor’s agent must sign the document and return a copy signed by both parties to the tenant.

Maximum penalty—10 penalty units.

‘(4) This section does not apply to an agreement for a short tenancy (moveable dwelling).’.

8 Amendment of s 43 (Information statement)

Section 43(2)(b), ‘mediation’—

omit, insert—

‘conciliation’.

9 Amendment of s 53 (Rent increases)

Section 53(7)—

omit, insert—

‘(7) This section does not apply if the lessor is the Queensland Housing Commission and the lease is given under the *State Housing Act 1945*, section 26.²’.

10 Replacement of s 58 (Meaning of “rental bond contributor”)

Section 58—

omit, insert—

‘58 Contributor for a rental bond

‘(1) A person is a “**contributor**” for a rental bond—

- (a) if the person is the tenant and there are no cotenants; or
- (b) if—
 - (i) the person is a cotenant; and
 - (ii) the authority is satisfied the person is responsible for payment of the bond or part of the bond.

‘(2) Without limiting subsection (1)(b)(ii), the authority may be satisfied a person is responsible for payment of a rental bond or part of a rental bond—

- (a) because the rental bond notice for the agreement indicates the person paid the bond or contributed to payment of the bond; or
- (b) because a cotenant—
 - (i) is shown on the rental bond notice for the agreement to have paid the bond; and
 - (ii) has given the authority a written notice naming the person as a contributor for the bond; or
- (c) because a former cotenant—
 - (i) is shown on the rental bond notice for the agreement to have contributed to payment of the bond; and

2 *State Housing Act 1945*, section 26 (Letting or leasing of houses to eligible persons)

- (ii) has given the authority a written notice naming the person as a contributor for the bond in place of the former cotenant.

‘58A Share of a rental bond

‘(1) This section applies if there is more than 1 contributor for a rental bond.

‘(2) If the authority is satisfied a contributor for a rental bond is responsible for payment of a certain amount of the bond, that amount is the contributor’s “**share**” of the bond.

‘(3) The authority may assume 2 or more contributors for a rental bond are responsible for payment of the bond, or part of the bond, in equal shares if the authority—

- (a) is satisfied the contributors are responsible for payment of the bond or that part of the bond; but
- (b) has not been notified, by a rental bond notice or a notice from the contributors, of the amount for which each of the contributors is responsible.’.

11 Insertion of new ch 2, pt 3, div 2, sdiv 1 hdg

Chapter 2, part 3, after division 2 heading—

insert—

‘Subdivision 1—Preliminary’.

12 Amendment of s 65 (Application for payment)

Section 65—

insert—

‘(2) An application may only direct a payment to be made to the lessor or a contributor for the bond.’.

13 Replacement of ss 66–69

Sections 66 to 69—

omit, insert—

‘Subdivision 2—Payment of bond if only 1 contributor

‘66 Application of sdiv 2

‘This subdivision applies to an application to the authority for payment of a rental bond if there is only 1 contributor for the bond.

‘67 Joint application by lessor and contributor

‘If the application is made jointly by the lessor and the contributor, the authority must make each payment directed by the application.

‘68 Application by lessor

‘(1) This section applies if the application is made by the lessor only.

‘(2) If the application directs that a payment be made to the contributor, the authority must make the payment.

‘(3) If the application directs that a payment be made to the lessor—

- (a) section 69G applies to the directed payment; and
- (b) the contributor is the interested person for the payment.

‘69 Application by contributor

‘(1) This section applies if the application is made by the contributor only.

‘(2) If the application directs that a payment be made to the lessor, the authority must make the payment.

‘(3) If the application directs that a payment be made to the contributor—

- (a) section 69G applies to the directed payment; and
- (b) the lessor is the interested person for the payment.

‘Subdivision 3—Payment of bond if more than 1 contributor

‘69A Application of sdiv 3

‘This subdivision applies to an application to the authority for payment of a rental bond if there is more than 1 contributor for the bond.

‘69B Joint application by lessor and every contributor

‘If the application is made jointly by the lessor and every contributor, the authority must make each payment directed by the application.

‘69C Joint application by lessor and some contributors

‘(1) This section applies if the application is made jointly by the lessor and some, but not all, of the contributors.

‘(2) If there is only 1 non-applicant contributor and the application directs that a payment be made to the non-applicant contributor, the authority must make the payment.

‘(3) If the application directs that payments be made to all of the contributors in the same proportions as their shares of the bond, the authority must make the payments.

‘(4) If the application directs that each non-applicant contributor be paid his or her entire share of the bond, the authority must make those payments and any other payments directed by the application.

‘(5) Otherwise—

- (a) section 69G applies to a payment directed by the application; and
- (b) each non-applicant contributor is an interested person for the payment.

‘(6) In this section—

“non-applicant contributor” means a contributor who is not an applicant.

‘69D Application by lessor

‘(1) This section applies if the application is made by the lessor only.

‘(2) If the application directs that payments be made to all of the contributors in the same proportions as their shares of the bond, the authority must make the payments.

‘(3) Otherwise—

- (a) section 69G applies to a payment directed by the application; and
- (b) each contributor is an interested person for the payment.

‘69E Application by every contributor

‘(1) This section applies if the application is made by every contributor but not jointly with the lessor.

‘(2) If the application directs that a payment be made to the lessor, the authority must make the payment.

‘(3) If the application directs that a payment be made to a contributor—

- (a) section 69G applies to the directed payment; and
- (b) the lessor is the interested person for the payment.

‘69F Application by some contributors

‘(1) This section applies if the application is made by some, but not all, of the contributors and not jointly with the lessor.

‘(2) If the application directs that a payment be made to the lessor—

- (a) section 69G applies to the directed payment; and
- (b) each non-applicant contributor is an interested person for the payment.

‘(3) If the application directs that a payment be made to a contributor—

- (a) section 69G applies to the directed payment; and
- (b) the lessor and each non-applicant contributor are interested persons for the payment.

‘(4) In this section—

“non-applicant contributor” means a contributor who is not an applicant.

‘Subdivision 4—Other matters about payment

‘69G Payment for which notice must be given

‘(1) This section concerns a payment, directed by an application for payment of a rental bond, mentioned in any of the following provisions—

- section 68(3)
- section 69(3)
- section 69C(5)
- section 69D(3)
- section 69E(3)
- section 69F(2) or (3).

‘(2) The authority must give written notice of the application to the interested person or, if there is more than 1 interested person, to each of them.

‘(3) If there is only 1 interested person, the authority must make the directed payment—

- (a) if the interested person does not make a dispute resolution request to the authority about the payment within 14 days after notice is given under subsection (2); or
- (b) if a dispute resolution request under paragraph (a) is made but is withdrawn; or
- (c) if—
 - (i) a dispute resolution request under paragraph (a) is made; and
 - (ii) the conciliation process ends without a conciliated resolution having been reached; and
 - (iii) the authority gives the interested person a written notice about the ending of the conciliation process; and
 - (iv) either—
 - (A) the interested person does not apply to a tribunal for an order about the payment, and give the authority a written notice informing it of the application, within

7 days after the notice under subparagraph (iii) is given; or

(B) an application to a tribunal under sub-subparagraph (A) is made but is withdrawn.

‘(4) If there is more than 1 interested person, the authority must make the directed payment—

(a) if none of the interested persons makes a dispute resolution request to the authority about the payment within 14 days after notice is given under subsection (2); or

(b) if 1 or more dispute resolution requests under paragraph (a) are made but all are withdrawn; or

(c) if—

(i) 1 or more dispute resolution requests under paragraph (a) are made; and

(ii) the conciliation process ends without a conciliated resolution having been reached; and

(iii) the authority gives the interested person or persons who made the dispute resolution request a written notice about the ending of the conciliation process; and

(iv) either—

(A) none of the interested persons applies to a tribunal for an order about the payment, and gives the authority a written notice informing it of the application, within 7 days after the notice under subparagraph (iii) is given; or

(B) 1 or more applications to a tribunal under sub-subparagraph (A) are made but all are withdrawn.

‘(5) In this section—

“**interested person**”, for a payment mentioned in a notice provision, means a person stated in the provision to be an interested person for the payment.

“**notice provision**” means a provision mentioned in subsection (1).’

14 Amendment of s 72 (Payment to rental bond supplier)

(1) Section 72(1)(a)—

omit, insert—

‘(a) a rental bond is payable to a contributor for the bond; and’.

(2) Section 72(1)(b), ‘tenant’—

omit, insert—

‘contributor’.

(3) Section 72(2), ‘(the “rental bond supplier”) and not the tenant’—

omit, insert—

‘instead of the contributor’.

15 Amendment of s 73 (Limitation affecting payment)

(1) Section 73(2), ‘subsection (1) does’—

omit, insert—

‘subsections (1) and (2) do’.

(2) Section 73(2)—

renumber as section 73(3).

(3) Section 73—

insert—

‘(2) Also, the authority must not pay a rental bond if it knows—

- (a) the lessor has given an abandonment termination notice to the tenant; and
- (b) the agreement has not terminated.³.

3 See section 151 (Termination of agreements).

16 Replacement of s 74 (Discontinuance of application for payment)

Section 74—

omit, insert—

‘74 Withdrawal of application

‘(1) This section applies to an application to the authority for the payment of a rental bond.

‘(2) If there is only 1 applicant and the application is withdrawn before the authority makes a payment directed by it, the authority must stop dealing with it.

‘(3) For an application with 2 or more applicants—

- (a) if all of the applicants withdraw before the authority makes a payment directed by the application, the authority must stop dealing with it; or
- (b) if 1 or more, but not all, of the applicants withdraw before the authority makes a payment directed by the application, the authority must deal with it as an application made by the remaining applicants.’.

17 Amendment of s 80 (Rental bond account)

Section 80(2)—

insert—

‘(d) amounts paid under section 80A.’.

18 Insertion of new s 80A

After section 80—

insert—

‘80A Unclaimed amounts in rental bond account

‘(1) This section applies if—

- (a) in order to make a payment out of the rental bond account under section 80(2)(a) or (b), the authority draws a cheque and gives it to the person entitled to the payment; and

- (b) the cheque is not presented for payment within 15 months after it is drawn; and
- (c) it is at least 7 years since the cheque was drawn; and
- (d) since the end of the time mentioned in paragraph (b), the person has not received the amount and has not asked the authority to be paid the amount.

‘(2) With the Minister’s agreement, the authority may pay the amount out of the rental bond account for—

- (a) a purpose mentioned in section 82(1)(a) to (d); or
- (b) conducting a scheme, or helping another entity to conduct a scheme, to provide housing or a related service.

‘(3) This section does not affect the person’s entitlement to be paid the amount.’.

19 Amendment of s 106 (Tenant’s obligations generally)

Section 106(2), penalty—

omit.

20 Replacement of s 120 (Supply of locks and keys)

Section 120—

omit, insert—

‘120 Supply of locks and keys

‘(1) The lessor must supply and maintain the locks that are necessary to ensure the premises are reasonably secure.

‘(2) If there is only 1 tenant, the lessor must give to the tenant a key for each lock that—

- (a) secures an entry to the premises; or
- (b) secures a road or other place that is normally used to gain access to, or leave, the area or building in which the premises are situated; or

Example of a lock for paragraph (b)—

A lock operating a boom gate that must be passed to enter or leave the area in which the premises are situated.

(c) is part of the premises.

Examples of locks for paragraph (c)—

1. A lock on a door to a room in the premises.
2. A lock on the mailbox for the premises.
3. A lock on the door to a toolshed that forms part of the premises.
4. A lock on a built-in cupboard in the premises.

‘(3) If there is more than 1 tenant, the lessor must—

- (a) give one of the tenants a key for each lock mentioned in subsection (2); and
- (b) give each of the other tenants a key for each lock mentioned in subsection (2)(a) or (b).

‘(4) In this section—

“tenant” means a person named in the agreement as a tenant.’.

21 Amendment of s 136 (Park liaison committee)

(1) Section 136(5)—

omit.

(2) Section 136(6) and (7)—

renumber as section 136(5) and (6).

22 Amendment of s 219 (Way of recovering possession of premises)

Section 219(2)—

omit, insert—

‘(2) A person must not recover possession of the premises other than in a way authorised under this Act.

Maximum penalty—50 penalty units.’.

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

(1) Section 231(5), 13th dot point, ‘Application about abandoned goods’—

omit, insert—

‘Application about goods left on premises’.

(2) Section 231—

insert—

‘(6) An application to a tribunal is an **“urgent application”** if it is made under chapter 7A.⁴’.

24 Amendment of s 232C (Functions of conciliators)

(1) Section 232C, heading—

omit, insert—

‘232C Conciliators’.

(2) Section 232C, after ‘conciliator’—

insert—

‘under this Act’.

(3) Section 232C—

renumber as section 232C(4).

(4) Section 232C—

insert—

‘(1) The chief executive officer may appoint conciliators for this Act and the accommodation Act.

‘(2) The chief executive officer may appoint a person as a conciliator only if the chief executive officer is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.

‘(3) Without limiting subsection (2), the chief executive officer may be satisfied a person has the necessary expertise or experience because the

4 Chapter 7A (Tenancy databases)

person has satisfactorily completed the training approved by the chief executive officer for this section.’.

25 Amendment of s 245 (Conciliators to maintain secrecy)

Section 245—

insert—

‘(3) Also, if a person gives a document to a conciliator during the conciliation process and asks the conciliator to disclose the document to an authorised person, the conciliator may make the disclosure.’.

26 Amendment of s 246 (Ordinary protection and immunity allowed)

Section 246(3), ‘mediation conference’—

omit, insert—

‘process’.

27 Insertion of new ch 7A

After chapter 7—

insert—

‘CHAPTER 7A—TENANCY DATABASES

‘284A Definitions for ch 7A

‘In this chapter—

“**list**”, a person on a tenancy database, means—

- (a) enter personal information about the person into the database; or
- (b) give personal information about the person to someone else for entry into the database.

“**personal information**” means—

- (a) an individual’s name; or
- (b) information or an opinion, whether true or not, about an identified individual.

“tenancy database” means a database (whether or not stored in a computer) containing personal information—

- (a) relating to, or arising from, the occupation of residential premises under a residential tenancy agreement; or
- (b) entered into the database for reasons relating to, or arising from, the occupation of residential premises under a residential tenancy agreement.

‘284B Non-application to internal databases

‘(1) This chapter does not apply to a tenancy database kept by an entity for use only by that entity or its employees or agents.

‘(2) In this section—

“entity” includes a department.

‘284C Restriction on listing

‘(1) A person (the **“listing person”**) must not list another person on a tenancy database unless—

- (a) the other person was named as a tenant in a residential tenancy agreement; and
- (b) the agreement has ended; and
- (c) there is a reason prescribed under a regulation for listing the other person; and
- (d) the listing person has—
 - (i) given written notice to the other person about the personal information it is proposed to enter, or give for entry, into the database (the **“information to be entered”**); or
 - (ii) taken other reasonable steps to disclose to the other person the information to be entered; and
- (e) the listing person has given the other person a reasonable opportunity to review the information to be entered.

‘(2) Subsection (1)(d) and (e) do not apply if the listing person can not locate the other person after making reasonable enquiries.

‘(3) Subsection (1)(e) does not apply to personal information that, at the time of the listing, is publicly available.

Example of publicly available information—

Personal information obtained from publicly available court records.

‘284D Application to tribunal about breach

‘(1) A person (the “**tenant**”) who claims there has been a breach of section 284C, relating to the listing of the tenant on a tenancy database, may apply to a tribunal about the breach.

‘(2) The application may only be made within 6 months after the tenant becomes aware of the breach.

‘(3) If the tribunal decides there has been a breach, it may—

- (a) order a person to take stated steps to remedy the breach; or
- (b) make another order it considers appropriate.

‘284E Application to tribunal about incorrect or unjust listing

‘(1) A person (the “**tenant**”) who has been listed on a tenancy database may apply to a tribunal for an order under this section.

‘(2) The tribunal may order a person to take stated steps to—

- (a) have the tenant’s name or other personal information about the tenant omitted from the database; or
- (b) have stated changes made to the personal information about the tenant that is included in the database.

‘(3) The tribunal may make the order only if it is satisfied—

- (a) the database includes personal information about the tenant that is incorrect or misleading; or

Example for paragraph (a)—

X is listed on a tenancy database for a reason relating to a minor matter. The database does not give details of the matter but includes a notation implying that X may be responsible for a serious breach of the Act.

- (b) the inclusion of the tenant’s name or other personal information about the tenant in the database is unjust in the circumstances, having regard to—

-
- (i) the reason for the listing; and
 - (ii) the tenant's involvement in the acts or omissions giving rise to the reason for the listing; and
 - (iii) the adverse consequences suffered, or likely to be suffered, by the tenant because of the listing; and
 - (iv) any other relevant matter.

Examples for paragraph (b)—

1. Y is listed on a tenancy database for a reason relating to damage caused to premises by Y's spouse in the course of an incident of domestic violence. Because of the listing, Y can not obtain appropriate and affordable accommodation.
2. Z is listed on a tenancy database for a reason relating to an amount of rent that remained unpaid for 2 months after it was payable. During that period, Z was in hospital recovering from a serious accident and unable to make arrangements for payment.

'284F Application to tribunal about proposed listing

'(1) A person (the "tenant") who is aware of a proposed listing of the tenant on a tenancy database may apply to a tribunal for an order under this section.

'(2) The tribunal may—

- (a) order a person not to make the proposed listing; or
- (b) order a person not to make the proposed listing except with stated changes or on stated conditions; or
- (c) make another order it considers appropriate.

'(3) The tribunal may make the order only if it is satisfied that, if the proposed listing were made, the tribunal could make an order about the listing under section 284D or 284E.

'284G Offence of contravening tribunal order

'(1) A person must comply with an order of a tribunal made under this chapter.

Maximum penalty—50 penalty units.

‘(2) An offence against subsection (1) is a continuing offence and may be charged in 1 or more complaints for periods the offence continues.

Maximum penalty for each day the offence continues after a conviction against subsection (1)—5 penalty units.

‘284H Order for compensation

‘(1) This section applies if a court convicts a person of an offence against section 284G.

‘(2) The court may also make an order requiring the convicted person to pay to a stated person, within a stated period, an amount the court considers appropriate as compensation for loss or damage caused by the relevant listing.

‘(3) The person who is entitled to payment under the order may enforce the order by filing with a court of competent jurisdiction—

- (a) a copy of the order, certified as a true copy by the registrar of the convicting court; and
- (b) an affidavit stating the amount remaining unpaid.

‘(4) The order is then enforceable as if it were an order of the court in which the copy and affidavit are filed.’

28 Insertion of new s 308A

Chapter 8, part 7, division 1, after section 308—

insert—

‘308A Delegation

‘(1) The chief executive officer may delegate the chief executive officer’s powers under this Act to another appropriately qualified officer of the authority.

‘(2) In this section—

“**appropriately qualified**”, for a power, means having qualifications, experience or standing appropriate to exercise the power.’

29 Insertion of new s 322

Chapter 10, after section 321—

insert—

‘322 Non-application of Act to long-term leases on Hamilton Island

‘(1) From the commencement day, this Act does not apply to a long-term lease entered into in relation to premises on Hamilton Island even if the lease is for, or for purposes that include, residential purposes.

‘(2) To remove any doubt, it is declared that subsection (1) does not apply to a sublease of a long-term lease mentioned in subsection (1) if the sublease is not a long-term lease.

‘(3) This section applies to a long-term lease mentioned in subsection (1) even if the lease was entered into before the commencement day.

‘(4) In this section—

“**commencement day**” means the day this section commences.

“**long-term lease**” means a lease or sublease for a term, including renewal options, of at least 100 years.

“**sublease**” includes a sub-sublease and sub-sub-sublease.’.

30 Insertion of new ch 11, pt 3

Chapter 11, after part 2—

insert—

‘PART 3—TRANSITIONAL PROVISIONS FOR RESIDENTIAL TENANCIES AND OTHER LEGISLATION AMENDMENT ACT 2003

‘Division 1—Preliminary

‘344 Meaning of “amendment Act” for pt 3

‘In this part—

“**amendment Act**” means the *Residential Tenancies and Other Legislation Amendment Act 2003*.

Division 2—Miscellaneous

‘345 Application for payment of rental bond

‘(1) This section applies to an application to the authority for payment of a rental bond if—

- (a) the application was given to the authority before the commencement day; and
- (b) immediately before the commencement day, the authority had not finally dealt with the application.

‘(2) The authority must continue to deal with the application under chapter 2, part 3 as in force before the commencement day.

‘(3) In this section—

“commencement day” means the day the amendment Act, section 13, commences.

‘346 Supply of locks and keys

‘(1) This section applies to a residential tenancy agreement in force immediately before the commencement day.

‘(2) From the commencement day—

- (a) section 120, as in force immediately before the commencement day, continues to apply to the lessor in relation to the agreement; and
- (b) section 120, as in force from the commencement day, does not apply to the lessor in relation to the agreement.

‘(3) In this section—

“commencement day” means the day the amendment Act, section 20, commences.

‘347 Conciliators

‘(1) A person who was a conciliator immediately before the commencement day is taken to have been appointed as a conciliator under section 232C.

‘(2) Subsection (1) applies to the person from the commencement day until the person’s appointment ends under this Act.

‘(3) In this section—

“**commencement day**” means the day the amendment Act, section 24, commences.

‘Division 3—Tenancy databases

‘348 Application of certain tenancy database provisions

‘A reference in section 284A, 284B or 284G⁵ to chapter 7A includes this division.

‘349 Application to tribunal about listing made in certain circumstances

‘(1) A person may apply to a tribunal if—

- (a) the person was listed on a tenancy database before the commencement day; and
- (b) the person claims that—
 - (i) the listing did not relate to a residential tenancy agreement in which the person was named as a tenant; or
 - (ii) the listing related to a residential tenancy agreement in which the person was named as a tenant and, at the time of the listing, the agreement had not ended; or
 - (iii) the listing was not made for a reason prescribed for section 284C.⁶

‘(2) The application may only be made within 12 months after the commencement day.

‘(3) If the tribunal is satisfied of a matter mentioned in subsection (1)(b)(i) to (iii), it may—

5 Section 284A (Definitions for ch 7A), 284B (Non-application to internal databases) or 284G (Offence of contravening tribunal order)

6 Section 284C (Restriction on listing)

- (a) order a person to take stated steps to remove personal information about the applicant from the database; or
- (b) make another order it considers appropriate.

‘(4) In this section—

“**commencement day**” means the day the amendment Act, section 27, commences.

‘350 Application to tribunal about incorrect or unjust listing

‘(1) A reference in section 284E⁷ to a person who has been listed on a tenancy database includes a person who has been listed on a tenancy database before the commencement day.

‘(2) In this section—

“**commencement day**” means the day the amendment Act, section 27, commences.’.

31 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definitions “allowed period”, “conciliator”, “rental bond contributor” and “replacement cotenant”—

omit.

(2) Schedule 3—

insert—

‘ “**conciliator**” means a person appointed as a conciliator under section 232C.

“**contributor**”, for a rental bond, see section 58.

“**list**”, a person on a tenancy database, for chapter 7A, see section 284A.

“**personal information**”, for chapter 7A, see section 284A.

“**share**”, of a rental bond, see section 58A(2).

“**tenancy database**”, for chapter 7A, see section 284A.’.

⁷ Section 284E (Application to tribunal about incorrect or unjust listing)

(3) Schedule 3, definition “retirement village”, ‘*Retirement Villages Act 1988*’—

omit, insert—

‘Retirement Villages Act 1999’.

PART 3—AMENDMENT OF ARCHITECTS ACT 2002

32 Act amended in pt 3

This part amends the *Architects Act 2002*.

33 Insertion of new s 114A

After section 114—

insert—

‘114A Exemption for corporations

‘(1) This section applies to a corporation.

‘(2) The corporation does not commit an offence against section 113(1) merely because the corporation uses a title or name referred to in section 114(1) if—

- (a) the corporation has given the board a notice under section 141A(2) in relation to the provision of architectural services by the corporation; and
- (b) the notice is a current notice.

‘(3) The corporation does not commit an offence against section 114(1) if—

- (a) the corporation has given the board a notice under section 141A(2) in relation to the provision of architectural services by the corporation; and
- (b) the notice is a current notice.’.

34 Amendment of s 140 (Performance and carrying out of architectural services by particular entities)

Section 140—

insert—

‘(3) A person mentioned in subsection (1)(a) is not taken to claim, or hold himself or herself out, to be an architect, or allow himself or herself to be held out as an architect, merely because the person uses a title or name referred to in section 114(1) if—

- (a) the person has given the board a notice under section 141A(2) in relation to the provision of architectural services by the person; and
- (b) the notice is a current notice.’.

35 Insertion of new s 141A

After section 141—

insert—

‘141A Notice and record for corporations

‘(1) This section applies if a corporation provides architectural services at 1 or more places using an architect.

‘(2) The corporation may give the board a notice in the approved form.

‘(3) The approved form must provide for the inclusion of—

- (a) the corporation’s name, business address and telephone number; and
- (b) the name of each place at which the corporation provides the services; and
- (c) the name of each architect who is responsible for carrying out architectural services for the corporation at each of the places mentioned in paragraph (b).

‘(4) The notice is taken not to have been given under subsection (2) unless the notice—

- (a) includes the information mentioned in subsection (3); and
- (b) is accompanied by the fee prescribed under a regulation.

‘(5) If a corporation gives the board a notice under subsection (2), the corporation must, within 21 days after a change happens in the corporation’s name, business address or telephone number, the places at which the corporation provides architectural services using an architect, or in the architects responsible for carrying out architectural services for the corporation at a place, notify the board, in the approved form, about the change.

‘(6) If the change is in an architect responsible for carrying out architectural services for the corporation, the notice about the change is not given under subsection (5) unless the notice states the architect’s name.

‘(7) If a corporation gives the board a notice under subsection (2) or (5), the board must—

- (a) keep a record of the information given in the notice; and
- (b) keep the record open for inspection, free of charge, at the board’s office by members of the public during ordinary office hours; and
- (c) give a person a copy of the record, or a part of it, on payment of the fee prescribed under a regulation.

‘(8) If the board receives information (“**received information**”), other than under subsection (5), that leads the board to reasonably suspect information kept on the record may have changed, the board may note the received information on the record.

‘(9) The board may make the record available for inspection on its website.’.

36 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘ “**current notice**” means a notice given to the board by a corporation under section 141A(2) if—

- (a) a change mentioned in section 141A(5) has not happened; or
- (b) in a case where a change mentioned in section 141A(5) has happened, the corporation—
 - (i) has not contravened section 141A(5) in relation to the change; or

- (ii) has given the board notice of the change and, if relevant, the notice contained the information mentioned in section 141A(6).’.

PART 4—AMENDMENT OF QUEENSLAND BUILDING SERVICES AUTHORITY ACT 1991

37 Act amended in pt 4

This part amends the *Queensland Building Services Authority Act 1991*.

38 Amendment of s 18 (Role of the general manager)

Section 18—

insert—

‘(2A) In deciding the action to be taken in relation to a licensee’s licence, the general manager must not have regard to the implications for the statutory insurance scheme.’.

39 Amendment of s 26 (Insurance Fund)

Section 26—

insert—

‘(4) A regulation may require the fund to be managed—

- (a) in the way prescribed under a regulation; or
- (b) in accordance with an external standard of fund administration prescribed under a regulation.’.

40 Insertion of new s 26A

After section 26—

insert—

‘26A Management of statutory insurance scheme

‘The authority must ensure that the statutory insurance scheme is managed in accordance with actuarially sustainable principles so that the amounts paid into the Insurance Fund under section 26(2) will be sufficient to satisfy the amounts to be paid from the Insurance Fund under section 26(3).’.

**PART 5—AMENDMENT OF RESIDENTIAL SERVICES
(ACCOMMODATION) ACT 2002****41 Act amended in pt 5**

This part amends the *Residential Services (Accommodation) Act 2002*.

42 Amendment of s 17 (Resident’s copy of agreement)

Section 17(2), ‘does’—

omit, insert—

‘does not’.

43 Replacement of s 29 (Meaning of “rental bond contributor”)

Section 29—

omit, insert—

‘29 Contributor for a rental bond

‘(1) A person is a “**contributor**” for a rental bond—

(a) if the person is the resident and there are no coresidents; or

(b) if—

(i) the person is a coresident; and

(ii) the authority is satisfied the person is responsible for payment of the bond or part of the bond.

‘(2) Without limiting subsection (1)(b)(ii), the authority may be satisfied a person is responsible for payment of a rental bond or part of a rental bond—

- (a) because the rental bond notice for the residential service agreement indicates the person paid the bond or contributed to payment of the bond; or
- (b) because a coresident—
 - (i) is shown on the rental bond notice for the residential service agreement to have paid the bond; and
 - (ii) has given the authority a written notice naming the person as a contributor for the bond; or
- (c) because a former coresident—
 - (i) is shown on the rental bond notice for the residential service agreement to have contributed to payment of the bond; and
 - (ii) has given the authority a written notice naming the person as a contributor for the bond in place of the former coresident.

‘29A Share of a rental bond

‘(1) This section applies if there is more than 1 contributor for a rental bond.

‘(2) If the authority is satisfied a contributor for a rental bond is responsible for payment of a certain amount of the bond, that amount is the contributor’s “**share**” of the bond.

‘(3) The authority may assume 2 or more contributors for a rental bond are responsible for payment of the bond, or part of the bond, in equal shares if the authority—

- (a) is satisfied the contributors are responsible for payment of the bond or that part of the bond; but
- (b) has not been notified, by a rental bond notice or a notice from the contributors, of the amount for which each of the contributors is responsible.’.

44 Insertion of new pt 5, div 2, sdiv 1 hdg

Part 5, after division 2 heading—

insert—

‘Subdivision 1—Preliminary’.

45 Amendment of s 38 (Application for payment)

Section 38—

insert—

‘(2) An application may only direct a payment to be made to the service provider or a contributor for the bond.’.

46 Replacement of ss 39–44

Sections 39 to 44—

omit, insert—

‘Subdivision 2—Payment of bond if only 1 contributor

‘39 Application of sdiv 2

‘This subdivision applies to an application to the authority for payment of a rental bond if there is only 1 contributor for the bond.

‘40 Joint application by service provider and contributor

‘If the application is made jointly by the service provider and the contributor, the authority must make each payment directed by the application.

‘41 Application by service provider

‘(1) This section applies if the application is made by the service provider only.

‘(2) If the application directs that a payment be made to the contributor, the authority must make the payment.

‘(3) If the application directs that a payment be made to the service provider—

- (a) section 44E applies to the directed payment; and
- (b) the contributor is the interested person for the payment.

‘42 Application by contributor

‘(1) This section applies if the application is made by the contributor only.

‘(2) If the application directs that a payment be made to the service provider, the authority must make the payment.

‘(3) If the application directs that a payment be made to the contributor—

- (a) section 44E applies to the directed payment; and
- (b) the service provider is the interested person for the payment.

‘Subdivision 3—Payment of bond if more than 1 contributor

‘43 Application of sdiv 3

‘This subdivision applies to an application to the authority for payment of a rental bond if there is more than 1 contributor for the bond.

‘44 Joint application by service provider and every contributor

‘If the application is made jointly by the service provider and every contributor, the authority must make each payment directed by the application.

‘44A Joint application by service provider and some contributors

‘(1) This section applies if the application is made jointly by the service provider and some, but not all, of the contributors.

‘(2) If there is only 1 non-applicant contributor and the application directs that a payment be made to the non-applicant contributor, the authority must make the payment.

‘(3) If the application directs that payments be made to all of the contributors in the same proportions as their shares of the bond, the authority must make the payments.

‘(4) If the application directs that each non-applicant contributor be paid his or her entire share of the bond, the authority must make those payments and any other payments directed by the application.

‘(5) Otherwise—

- (a) section 44E applies to a payment directed by the application; and
- (b) each non-applicant contributor is an interested person for the payment.

‘(6) In this section—

“non-applicant contributor” means a contributor who is not an applicant.

‘44B Application by service provider

‘(1) This section applies if the application is made by the service provider only.

‘(2) If the application directs that payments be made to all of the contributors in the same proportions as their shares of the bond, the authority must make the payments.

‘(3) Otherwise—

- (a) section 44E applies to a payment directed by the application; and
- (b) each contributor is an interested person for the payment.

‘44C Application by every contributor

‘(1) This section applies if the application is made by every contributor but not jointly with the service provider.

‘(2) If the application directs that a payment be made to the service provider, the authority must make the payment.

‘(3) If the application directs that a payment be made to a contributor—

- (a) section 44E applies to the directed payment; and
- (b) the service provider is the interested person for the payment.

‘44D Application by some contributors

‘(1) This section applies if the application is made by some, but not all, of the contributors and not jointly with the service provider.

‘(2) If the application directs that a payment be made to the service provider—

- (a) section 44E applies to the directed payment; and
- (b) each non-applicant contributor is an interested person for the payment.

‘(3) If the application directs that a payment be made to a contributor—

- (a) section 44E applies to the directed payment; and
- (b) the service provider and each non-applicant contributor are interested persons for the payment.

‘(4) In this section—

“non-applicant contributor” means a contributor who is not an applicant.

‘Subdivision 4—Other matters about payment

‘44E Payment for which notice must be given

‘(1) This section concerns a payment, directed by an application for payment of a rental bond, mentioned in any of the following provisions—

- section 41(3)
- section 42(3)
- section 44A(5)
- section 44B(3)
- section 44C(3)
- section 44D(2) or (3).

‘(2) The authority must give notice of the application to the interested person or, if there is more than 1 interested person, to each of them.

‘(3) If there is only 1 interested person, the authority must make the directed payment—

-
- (a) if the interested person does not make a dispute resolution request to the authority about the payment within 14 days after notice is given under subsection (2); or
 - (b) if a dispute resolution request under paragraph (a) is made but is withdrawn; or
 - (c) if—
 - (i) a dispute resolution request under paragraph (a) is made; and
 - (ii) the conciliation process ends without a conciliated resolution having been reached; and
 - (iii) the authority gives the interested person a notice about the ending of the conciliation process; and
 - (iv) either—
 - (A) the interested person does not apply to a tribunal for an order about the payment, and give the authority a notice informing it of the application, within 7 days after the notice under subparagraph (iii) is given; or
 - (B) an application to a tribunal under sub-subparagraph (A) is made but is withdrawn.

(4) If there is more than 1 interested person, the authority must make the directed payment—

- (a) if none of the interested persons makes a dispute resolution request to the authority about the payment within 14 days after notice is given under subsection (2); or
- (b) if 1 or more dispute resolution requests under paragraph (a) are made but all are withdrawn; or
- (c) if—
 - (i) 1 or more dispute resolution requests under paragraph (a) are made; and
 - (ii) the conciliation process ends without a conciliated resolution having been reached; and
 - (iii) the authority gives the interested person or persons who made the dispute resolution request a notice about the ending of the conciliation process; and

(iv) either—

(A) none of the interested persons applies to a tribunal for an order about the payment, and gives the authority a notice informing it of the application, within 7 days after the notice under subparagraph (iii) is given; or

(B) 1 or more applications to a tribunal under sub-subparagraph (A) are made but all are withdrawn.

‘(5) In this section—

“**interested person**”, for a payment mentioned in a notice provision, means a person stated in the provision to be an interested person for the payment.

“**notice provision**” means a provision mentioned in subsection (1).’.

47 Amendment of s 46 (Payment to rental bond supplier)

(1) Section 46(1)(a), ‘the resident; but’—

omit, insert—

‘a contributor for the bond; and’.

(2) Section 46(1)(b), ‘resident’—

omit, insert—

‘contributor’.

(3) Section 46(2), ‘and not the resident’—

omit, insert—

‘instead of the contributor’.

48 Replacement of s 48 (Discontinuance of application for payment)

Section 48—

omit, insert—

‘48 Withdrawal of application

‘(1) This section applies to an application to the authority for the payment of a rental bond.

‘(2) If there is only 1 applicant and the application is withdrawn before the authority makes a payment directed by it, the authority must stop dealing with it.

‘(3) For an application with 2 or more applicants—

- (a) if all of the applicants withdraw before the authority makes a payment directed by the application, the authority must stop dealing with it; or
- (b) if 1 or more, but not all, of the applicants withdraw before the authority makes a payment directed by the application, the authority must deal with it as an application made by the remaining applicants.’.

49 Amendment of s 105 (Conciliation agreement)

Section 105(1), ‘tenancy dispute’—

omit, insert—

‘service dispute’.

50 Insertion of new s 140

After section 139—

insert—

‘140 Transitional provision for *Residential Tenancies and Other Legislation Amendment Act 2003*

‘(1) This section applies to an application to the authority for payment of a rental bond if—

- (a) the application was given to the authority before the commencement day; and
- (b) immediately before the commencement day, the authority had not finally dealt with the application.

‘(2) The authority must continue to deal with the application under part 5, division 2 as in force before the commencement day.

‘(3) In this section—

“**commencement day**” means the day the *Residential Tenancies and Other Legislation Amendment Act 2003*, section 46, commences.’.

51 Amendment of schedule (Dictionary)

(1) Schedule, definitions “allowed period”, “rental bond contributor” and “replacement coresident”—

omit.

(2) Schedule—

insert—

‘**“contributor”**, for a rental bond, see section 29.

“share”, of a rental bond, see section 29A(2).’.

SCHEDULE**AMENDMENTS OF RESIDENTIAL TENANCIES
ACT 1994**

section 3

- 1 Section 38A(1), after ‘lessor’—**
insert—
‘or lessor’s agent’.

- 2 Section 39(1), after ‘lessor’—**
insert—
‘or lessor’s agent’.

- 3 Section 42(1), (2) and (3A), after ‘lessor’—**
insert—
‘or lessor’s agent’.

- 4 Section 42(3), after ‘lessor’, first mention—**
insert—
‘or lessor’s agent’.

- 5 Section 42(3)(b), after ‘lessor’—**
insert—
‘or agent’.

SCHEDULE (continued)

- 6 Section 42(6), after ‘lessor’, first mention—**
insert—
‘or lessor’s agent’.
- 7 Section 42(6)(a), ‘lessor’s’—**
omit.
- 8 Section 42A(2), after ‘lessor’, first mention—**
insert—
‘or lessor’s agent’.
- 9 Section 42A(2)(b), after ‘lessor’—**
insert—
‘or agent’.
- 10 Section 42A(2)(c)(i), ‘lessor’s’—**
omit.
- 11 Section 42A(3), after ‘lessor’—**
insert—
‘or lessor’s agent’.
- 12 Section 43(1), after ‘lessor’—**
insert—
‘or lessor’s agent’.

SCHEDULE (continued)

13 Section 44(2), after ‘lessor’—*insert—*

‘or lessor’s agent’.

14 Section 45, after ‘lessor’—*insert—*

‘or lessor’s agent’.

15 Section 49(1) and (2), after ‘lessor’—*insert—*

‘or lessor’s agent’.

16 Section 50(5), after ‘lessor’—*insert—*

‘or lessor’s agent’.

17 Section 51(1), after ‘lessor’—*insert—*

‘or lessor’s agent’.

18 Section 51(2)—*omit.***19 Section 51(3)—***renumber as section 51(2).*

SCHEDULE (continued)

20 Section 76(1), ‘lessor or lessor’s agent’—*omit, insert—*

‘person’.

21 Section 87(4), after ‘lessor’—*insert—*

‘or prospective lessor’s agent’.

22 Section 87(4), ‘enter’—*omit, insert—*

‘ensure the prospective lessor enters’.

23 Section 87—*insert—*

‘(6) Sections 14A and 14B⁸ apply to this section as if a reference in the sections to the lessor were a reference to the prospective lessor.’.

24 Section 95A, after ‘lessor’—*insert—*

‘or lessor’s agent’.

25 Section 96(2), after ‘lessor’—*insert—*

‘or lessor’s agent’.

8 Sections 14A (Provision stating that lessor or lessor’s agent must do something) and 14B (Lessor’s agent)

SCHEDULE (continued)

26 Section 116 (1), after ‘lessor’, first mention—*insert—*

‘or lessor’s agent’.

27 Section 116 (2), after ‘lessor’—*insert—*

‘or lessor’s agent’.

28 Section 116(3), ‘lessor’s agent’—*omit, insert—*

‘agent mentioned in subsection (1)(b)’.

29 Section 130A, after ‘lessor’—*insert—*

‘or lessor’s agent’.

30 Section 142(1)—*omit, insert—*

‘(1) The lessor or lessor’s agent must not require the tenant to buy goods or services from the lessor, the lessor’s agent or a person nominated by the lessor or agent (the “**nominated supplier**”).

Maximum penalty—20 penalty units.’.

31 Section 142(2), after ‘lessor’, first mention—*insert—*

‘or lessor’s agent’.

SCHEDULE (continued)

32 Section 142(2), after ‘lessor’, third mention—*insert—*

‘, agent’.

33 Section 146, after ‘lessor’, first mention—*insert—*

‘or lessor’s agent’.

34 Section 147(3) and (4), after ‘lessor’—*insert—*

‘or lessor’s agent’.

35 Section 230A(6), after ‘lessor’, first mention—*insert—*

‘or the former lessor’s agent’.

36 Section 230A(6), after ‘lessor’, second mention—*insert—*

‘or agent’.

37 Section 230A(7), after ‘lessor’, first mention—*insert—*

‘or the former lessor’s agent’.

38 Section 230A(7), after ‘lessor’, second and third mentions—*insert—*

‘or agent’.

SCHEDULE (continued)

39 Section 230A(11), after ‘lessor’, first mention—*insert—*

‘or the former lessor’s agent’.

40 Section 230A(11), after ‘lessor’, second mention—*insert—*

‘or agent’.

41 Section 230B(2), after ‘lessor’—*insert—*‘(the “**former lessor**”) or who is the former lessor’s agent’.**42 Section 230B(2)(a) and (b), ‘person’—***omit, insert—*

‘former lessor or agent’.

43 Section 230B(3), ‘person’, first mention—*omit, insert—*

‘former lessor or the former lessor’s agent’.

44 Section 230B(3), ‘person’, second mention—*omit, insert—*

‘former lessor or agent’.