

Residential Tenancies and Rooming Accommodation Bill 2008

Amendments agreed to during Consideration

1 **Clause 26 (State as lessor)—**

At page 35, after line 17—

insert—

- ‘(1A) Also, this Act does not apply to a lease if the lease is for, or for purposes that include, residential purposes if—
- (a) the lease is entered into by the parties to a contract of sale under a term of the contract; and
 - (b) the lease relates to land for a project the subject of a direction under the *State Development and Public Works Organisation Act 1971*, section 100; and
 - (c) the lessor is the entity the subject of the direction, or the entity’s successor in title; and
 - (d) the lessee is a seller under the contract of sale.’.

2 **Clause 92 (Tenant’s application to tribunal about rent increase)—**

At page 72, lines 29 and 30—

omit, insert—

- ‘(6) This section does not apply if—
- (a) the lessor is the chief executive of the department in which the *Housing Act 2003* is administered, acting on behalf of the State; or
 - (b) the lessor is the State and the tenant is an officer or employee of the State.’.

3 Clause 173 (Certain terms about penalties and other payments void)—

At page 119, lines 19 and 20—

omit.

4 Clause 176 (Supply of goods and services)—

At page 121, lines 14 and 15—

omit, insert—

‘(3) This section does not apply to a requirement about a food service, personal care service or utility service.’.

5 Clause 178 (Certain terms about penalties and other payments void)—

At page 122, lines 19 and 20—

omit.

6 Clause 179 (Terms about rent reductions etc.)—

At page 123, lines 1 to 3—

omit, insert—

‘(2) However, this section does not apply to a term of a rooming accommodation agreement providing only that, if the resident pays the rent before or when it is payable—’.

7 Clause 248 (Provider’s or agent’s name and other details)—

At page 167, line 25—

omit, insert—

‘(a) the provider’s name and address for service; or’.

8 Clause 255 (Agreement about fixtures and structural changes)—

At page 171, lines 27 and 28—

omit, insert—

- ‘(1) The provider’s agreement to the attaching of a fixture, or making of a structural change, must—’.

9 Clause 256 (Attaching fixture or making structural change without provider’s agreement)—

At page 172 lines 27 and 28—

omit, insert—

- ‘(b) treat the fixture or change as an improvement to the rental premises for the provider’s benefit.’.

10 Clause 262 (Entry by provider’s agent or other person)—

At page 175, lines 21 and 22—

omit, insert—

- ‘(1) A reference in sections 257, 258, 259(1) and (2), 260 and 261 to the provider includes an agent of the provider.’.

11 Clause 525 (Giving notice to resident with impaired or limited capacity)—

At page 328, lines 12 and 13—

omit, insert—

- ‘(a) the provider must give the notice to both the resident and the person appointed; and’.

12 After clause 544—

At page 337, after line 4—

insert—

‘544A Contracts of sale—s 30

‘This Act does not apply to an agreement for a tenancy of residential premises if the tenancy—

- (a) was created or arose before the commencement of section 30; and
- (b) is between the parties to a contract of sale of the premises under a term of the contract.’.

13 Schedule 1 (Consequential amendments)—

At page 355, after line 14—

insert—

‘Residential Tenancies Act 1994

‘1 Chapter 2—

insert—

‘Part 7 Tenancy guarantees

‘98A Tenancy guarantees

‘(1) A *tenancy guarantee*, for a residential tenancy agreement between a lessor and tenant, is an undertaking by the department to pay up to a stated amount to the lessor if—

- (a) loss or expense is incurred by the lessor because of a breach of the agreement by the tenant; and
- (b) the amount of any rental bond provided by the tenant is not sufficient to cover the amount owing to the lessor for the breach.

‘(2) A tenancy guarantee is not—

- (a) a rental bond; or
- (b) financial protection under section 60; or
- (c) an amount for entering into, extending or continuing an agreement under section 95A.’.

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