

Residential Tenancies and Rooming Accommodation Regulation 2025

Explanatory notes for Subordinate Legislation 2025 No. 89

Made under the *Residential Tenancies and Rooming Accommodation Act 2008* and the *State Penalties Enforcement Act 1999*

General Outline

Short title

Residential Tenancies and Rooming Accommodation Regulation 2025 (RTRA Regulation).

Authorising law

Section 520 of the *Residential Tenancies and Rooming Accommodation Act 2008*
Section 165 of the *State Penalties Enforcement Act 1999*

Policy objectives and the reasons for them

The policy intent of the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act) is to establish a framework for managing tenancy arrangements in Queensland, including the rights and responsibilities of parties and the content and operation of rental agreements.

Note: The RTRA Act and RTRA Regulation cover all agreement types (general residential tenancy agreements, moveable dwelling agreements and rooming accommodation agreements). For ease of reference, the term 'renters' is used to describe tenants in general residential tenancies and moveable dwelling premises, and residents in rooming accommodation. 'Property owners' is used to describe lessors in general residential tenancy and moveable dwelling agreements and providers in rooming accommodation agreements. Where provision relates to a specific agreement type, the more specific terms 'tenant', 'resident', 'lessor' and 'provider' are used.

The *Residential Tenancies and Rooming Accommodation Regulation 2009* (2009 Regulation) came into effect on 5 June 2009 to support the implementation and operation of the Act.

Under section 54 of the *Statutory Instruments Act 1992* (SIA), subordinate legislation automatically expires after 10 years unless it is exempted from expiry by a Regulation made under the SIA.

The 2009 Regulation was exempted from expiry from 2020 under section 56A(6)(a) of the SIA on the grounds the RTRA Act has been subject to review since 2018.

The review of the RTRA Act has resulted in amendments to the RTRA Act through the *Housing Legislation Amendment Act 2021*, the *Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023*, and the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024* (RTRAOLA Act). The RTRA Regulation was subsequently amended to reflect policy implemented by the RTRA Act. The final tranche of reforms under the RTRAOLA Act commenced on 1 May 2025, completing the review of the RTRA Act.

A sunset review of the 2009 Regulation has been undertaken which involved seeking stakeholder feedback to evaluate its continuing need, effectiveness and efficiency.

The policy intent of the RTRA Regulation is to support the implementation and operation of the RTRA Act by prescribing specific detail about the process for entering into a rental agreement and the obligations of parties to a rental agreement. This includes prescribing:

- standard terms and required details for rental agreements
- information that can be requested from rental applicants in the rental application form
- a restricted way of submitting a rental application form
- the maximum fee for sale of caravans
- values and periods for storing abandoned goods
- water efficiency requirements
- house rules for rooming accommodation
- period for repeated breaches
- approved reasons for listing renters on tenancy databases
- minimum housing standards; and
- supporting evidence for domestic and family violence.

The RTRA Regulation also amends the *State Penalties Enforcement Regulation 2014* (SPE Regulation) to address a drafting error in the RTRAOLA Act which omitted an offence from the SPE Regulation without reinserting it with a higher penalty unit.

Standard terms and required details for rental agreements

Sections 55 and 73 of the RTRA Act provide for standard terms to be prescribed by regulation for residential tenancy agreements and rooming accommodation agreements. Section 527C of the RTRA Act provides replacement terms for a community housing provider tenancy agreement to be prescribed by regulation.

Establishing standard and replacement terms and required details for inclusion in rental agreements ensures clarity and consistency across rental agreements. This allows renters, property owners and property managers to have confidence that agreements comply with the requirements of the RTRA Act. Consistency in rental agreements also helps parties understand and uphold their contractual obligations.

Information for rental applications

Sections 57B and 76C of the RTRA Act provide that if a rental property owner or property manager deem it necessary for a rental applicant to formally apply for a rental premises, the required application form must be used. Under these provisions the required application form is an approved form that requests essential information such as the applicant's: name and contact details, details of previous rental agreements, current employment, income, referees, intended term of the agreement and any other prescribed information.

The purpose of prescribing additional information that can be requested of a prospective renter in the rental application form is to strike an appropriate balance between protecting renters' privacy and ensuring rental property owners and property managers can collect sufficient information to assess applicants' suitability and make an informed decision.

Restricted way

Sections 57B and 76C of the RTRA Act provide that a rental property owner or property manager must nominate at least two ways for an applicant to submit a rental application, and at least one of the ways must not be a restricted way. A restricted way for submitting a rental application includes a way prescribed by regulation to be a restricted way.

While there is a need for flexibility in the way that applicants can submit a rental application, the practice of requiring applicants to pay an amount to submit a rental application or undertake a background check to support their application is not fair or equitable within the context of financial barriers to housing. Without regulation, the impact of such practices is heightened in a competitive rental market where applicants may have to submit multiple applications within a short period of time to secure a rental premises.

Fee for sale of caravan

The RTRA Act provides that in section 241 that a property owner of a moveable dwelling premises (a park owner), in supplying a service to sell or attempt to sell a caravan, must not charge the moveable dwelling owner a fee greater than an amount prescribed by regulation.

The moveable dwelling owner may feel that the park owner is best placed to sell their caravan, particularly if the caravan is unable to be moved from the site that is rented. When there is limited competitive pressure from external agents an incentive is created to charge higher commission. Limiting the commission charged by a park owner provides protections for moveable dwelling owners.

It is also important that the fee protects both the interests of the moveable dwelling owner and park owners and provides suitable payment for services rendered by the park owner.

Values and periods for storing abandoned goods

The RTRA Act outlines requirements for dealing with goods and documents left behind in rental premises, including general tenancies and rooming accommodation. Sections 363 and 393 of the RTRA Act allow a regulation to prescribe an amount for the market value of the goods and a required storage period to determine what action should be taken for goods and documents left behind in rental premises, depending on that value.

The purpose of establishing a monetary limit for storing abandoned goods balances renters' rights to retrieve their items with the cost for property owners to store goods that might otherwise be of low value.

Similarly establishing a period before abandoned goods can be sold, donated or disposed of, provides the renter with an opportunity to reclaim their items after paying storage costs, while ensuring property managers and property owners are not required to store the items indefinitely or make renters liable for long periods of storage.

Water efficiency requirements

Section 166 of the RTRA Act allows lessors of rental premises that are not moveable dwelling premises to pass on water consumption charges to tenants if the property is individually metered, the tenancy agreement provides for these charges to be passed on, and the premises meets water efficiency requirements prescribed by regulation. The lessor must pay all fixed costs associated with water supply.

Water efficient fixtures reduce the demand for drinking water. Prescribing water efficiency requirements by regulation encourages lessors to install water efficient fixtures in the rental premises as this allows lessors to pass water consumption costs on to tenants when other conditions are also met.

House rules for rooming accommodation

The RTRA Act provides that house rules can be made for rooming accommodation premises about the use, enjoyment, control or management of the rental premises. These rules may be prescribed by regulation, or providers may make rules about a range of matters listed in s268(1) of the RTRA Act if it is consistent with any prescribed house rules and the provider's obligations and resident's rights under the RTRA Act. The prescribed house rules contain rules about residents' and guests' behaviour, maintenance of rooms, common areas, guests, access to residents' rooms, door locks and keys, and animals.

The objective of prescribing house rules is to assist in the management of communal living by establishing expectations for residents' behaviour. This assists in preventing misunderstandings or conflicts and creates a more predictable, stable and harmonious living environment.

Period for repeated breaches

Sections 299, 315, 376 and 382 of the RTRA Act establish that a property owner or renter can make an urgent application to a tribunal for a termination order if:

- the property owner has already given the renter two notices to remedy breach of a particular provision of the RTRA Act, or the renter has given the property owner two notices to remedy breach, and each notice relates to a separate breach for the same behaviour
- the renter or property owner remedied each breach within the required period, and
- the renter or property owner commits a further breach of that provision, and all three breaches occur within the period prescribed by regulation.

These provisions disincentivise repeated undesirable behaviour, such as stalling on rental payments or misuse of entry provisions until a notice to remedy breach has been issued. They provide approved grounds for a party to apply to the Queensland Civil and Administrative Tribunal (QCAT) for a termination order where the other party shows a pattern of behaviour of breaching a provision and remedying it within the required period.

Setting a limit on the period for remedied repeated breaches is necessary, as not limiting the period, or making it too long, would disadvantage parties in longer term tenancies. Making it too short, would limit the ability to determine if a renter or property owner has a pattern of undesirable behaviour involving repeated breaches.

Approved reasons for listing renters on tenancy databases

Section 459 of the RTRA Act restricts a person from listing personal information on a tenancy database unless certain criteria are met, including that there is a reason prescribed under a regulation for listing the information.

The purpose of prescribing approved reasons for listing personal information on a tenancy database is to ensure that listings are fair and that a person cannot be listed for a minor matter.

Minimum housing standards

Section 17A of the RTRA Act provides that a regulation may prescribe minimum housing standards for residential premises, rooming accommodation premises and inclusions or facilities in a moveable dwelling park.

Minimum housing standards supplement existing minimum building standards and tenancy law requirements to provide consumer protections and rights. Prescribing these standards seeks to ensure a consistent standard of rental properties and improve the access of renters to safe, secure and appropriate housing.

Supporting evidence for domestic and family violence

Sections 308B(1)(b) and 381B(1)(b) of the RTRA Act allow persons experiencing domestic and family violence to provide a notice ending their interest in a residential tenancy or rooming accommodation agreement where supported by evidence

prescribed by regulation such as an order or notice under the *Domestic and Family Violence Protection Act 2012* or a report in an approved form by a health practitioner.

The purpose of prescribing a list of evidence is to clarify the evidence required to support renters who need to end their agreement due to domestic and family violence and protect property owners from renters inappropriately ending their tenancy or residency interest under sections 308B(1)(b) and 381B(1)(b) of the RTRA Act.

The evidence prescribed seeks to balance the privacy needs of renters experiencing domestic and family violence, with ensuring the evidence is sufficiently rigorous to protect owners from inappropriate use of the provision.

Achievement of policy objectives

The RTRA Regulation will achieve the policy objectives by continuing to prescribe:

- information that can be requested from prospective renters in a rental application form, such as the applicant's date of birth and the number of occupants intended to reside in the premises
- a way that requires the prospective renter to pay an amount in relation to submitting the application is a restricted way
- standard terms and required details for all rental agreements including:
 - general tenancy agreements
 - moveable dwelling agreements
 - State tenancy agreements
 - community housing provider tenancy agreements
 - rooming accommodation agreements
- house rules for rooming accommodation, including rules about residents' and guests' behaviour, maintenance of rooms, common areas, guests, quiet enjoyment, door locks and keys and animals
- approved reasons for listing renters on tenancy databases which align with the model provisions for residential tenancy databases adopted by the Ministerial Council on Consumer Affairs for national consistency in the regulation of tenancy databases
- minimum housing standards in relation to weatherproof and structurally sound; fixtures and fittings; locks on windows and doors; vermin, damp and mould; and privacy
- water efficiency requirements for toilets, showerheads and cold-water taps
- the period for repeated breaches of 12 months
- values and storage periods of abandoned goods
- a fee for the sale or attempted sale of a caravan
- supporting evidence of domestic and family violence such as an order or notice under the *Domestic and Family Violence Protection Act 2012* or a report in an approved form by a health practitioner.

The RTRA Regulation also amends the SPE Regulation to prescribe section 77(1) of the RTRA Act to allow the Residential Tenancies Authority (RTA) to issue penalty infringement notices for a breach of that provision.

Consistency with policy objectives of authorising law

The Regulation is consistent with the main objects outlined in section 5 of the RTRA Act to state the rights and obligations of:

- tenants, lessors and agents for residential tenancies; and
- residents, providers and agents for rooming accommodation.

The RTRA Regulation, as subordinate legislation, is within the power that allows it to be made in the RTRA Act. It is consistent with the policy objectives of the RTRA Act and contains only matters appropriate to the RTRA Act.

Inconsistency with policy objectives of other legislation

The RTRA regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

The RTRA Regulation will benefit both renters and property owners by providing clarity, consistency and promoting fair and consistent practices. This is likely to reduce time-consuming, expensive and upsetting disputes about rental agreements that would otherwise be conciliated by the RTA or heard by the QCAT.

Consistency with fundamental legislative principles

Section 4(3) of the *Legislative Standards Act 1992* (LS Act) states that whether legislation has sufficient regard to the rights and liberties of individuals depends on whether, for example, the legislation does not adversely affect rights and liberties.

No potential inconsistencies with fundamental legislative principles have been identified.

Consultation

Between 28 April and 16 May 2025, stakeholders were invited to provide feedback on:

- the efficiency, effectiveness and impact on competition of the 2009 Regulation
- some proposals to modernise and clarify specific provisions of the 2009 Regulation.

Feedback received through this consultation demonstrated there is an ongoing need for the RTRA Regulation, and it is generally operating efficiently and effectively. However, it was identified that some updates are necessary to ensure fees and values remain relevant and some improvements could be made to enhance effectiveness and improve clarification. In response to this feedback, the RTRA Regulation:

- clarifies 'good repair' of a fixture in a Minimum Housing Standard by including an example
- clarifies residents' rights in relation to quiet enjoyment in the house rules
- includes emergency contact details for renters as part of required details of rental agreements
- has updated market values for abandoned goods
- includes a market value for abandoned caravans and their contents, and a reduced storage period for abandoned caravans and their contents
- does not include the term State authority
- has a new fee calculation for sale or attempted sale of caravans.

In accordance with the *Queensland Government Better Regulation Policy*, a Summary Impact Analysis Statement (IAS) has been prepared and approved by the Director-General, Department of Housing and Public Works and the Minister for Housing and Public Works and Minister for Youth.

The IAS considered the costs and benefits of maintaining the status quo, implementing non-mandatory guidance and introducing formal regulatory amendments. The analysis demonstrates that the preferred option, to re-make the regulation with minor amendments, has the greatest net benefit to Queensland.