

RESIDENTIAL TENANCIES ACT: MINIMUM STANDARDS



WHAT IS THE GOVERNMENT PROPOSING TO CHANGE AND WHY?

The *Residential Tenancies Act 1997* (the Act) now allows the ACT Government to introduce minimum standards for residential tenancies in relation to physical accessibility, energy efficiency, safety and security, sanitation, and amenity. Work to introduce energy efficiency minimum standards is already in progress. Introducing minimum standards in the ACT provides a means to ensure that rental properties meet basic levels of safety, amenity and hygiene.

WHAT MINIMUM STANDARDS SHOULD BE INTRODUCED IN THE ACT?

The ACT will need to consider not only which minimum standards should be introduced but also to what degree of clarity. For example, NSW has introduced descriptive minimum standards (e.g. adequate natural and artificial lighting, ventilation, and plumbing and drainage) whereas Victoria has been very prescriptive about what is required for a minimum standard to be met (e.g. the premises must have a functioning toilet, a dedicated area for cooking and food preparation, a bathroom with a shower or a bath, lockable windows etc). The ACT will also need to consider how the minimum standards will be enforced.

WHEN AND HOW SHOULD THE MINIMUM STANDARDS BE INTRODUCED IN THE ACT?

The ACT could consider several methods for introducing minimum standards, such as a fixed date for introduction, a phase in of standards, compliance required on entering a new lease, or staged introduction by minimum standard type.

EXEMPTIONS

In some circumstances, exemptions may be necessary as it may be unreasonable for some properties to be expected to meet the minimum standards as they may fall within a particular group or class (i.e. they are heritage listed), or the design of the property may now allow for compliance.

WHAT WE WANT TO KNOW

- What minimum standards should be introduced in the ACT? How prescriptive should the standards be?
- How should the minimum standards be implemented? Should some standards be introduced before others?
- What would be the optimal transition period for some or all minimum standards?
- What exemptions, if any, should apply and what is the justification for such an exemption?
- How would the minimum standards be enforced, and non-compliance be addressed?
- Are there any other issues you would like to raise for consideration?

Please send your feedback to civilconsultation@act.gov.au by **15 October 2021**.