



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),
Dr Marisa Patterson MLA

Submission Cover Sheet

Inquiry into
Appropriation Bill 2022-2023 and Appropriation
(Office of the Legislative Assembly) Bill 2022-2023

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Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Mr James Milligan MLA
Chair
Select Committee on Estimates 2022-2023
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Dear Mr Milligan *James*

I refer to my appearance before the Select Committee on Estimates 2022-2023 in my capacity as Attorney-General on 24 August 2022. I write to provide a clarification of a statement I made in that hearing.

During the hearing Mr Cain asked a question in relation to the Public Exposure Draft of the Residential Tenancies Legislation Amendment Bill 2022 (the draft Bill), asking if I had done any detailed analysis on the effect on the market of the proposed rental reforms particularly energy efficiency standards.

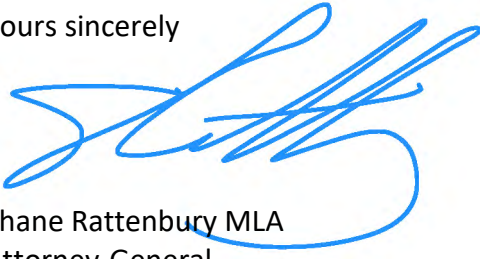
In my response, I indicated that the draft Bill does not specifically introduce the issue of minimum energy performance standards for rental properties. I then also indicated that the Bill creates the power for the minister to make regulations.

I am writing to clarify that there is a head of power for the executive to make regulations in relation to minimum standards for premises made available for occupation under a residential tenancy agreement which already exists under the *Residential Tenancies Act 1997* (the Act) at section 136 (2) (d). This provision allows for minimum standards to be made in relation to physical accessibility, energy efficiency, safety and security and sanitation. This head of power was introduced in 2020 through the *Residential Tenancies Amendment Act 2020*. No minimum standard has yet been made under this head of power.

While the draft bill does not itself introduce any minimum standards, it does include changes to the Act to support the future introduction of these standards. This includes, for example, changes which would allow landlords to access the rental premises in order to ensure it complies with the minimum standard, changes to support tenants to understand where a property meets the minimum standards and to provide tenants with avenues for redress where the property does not meet any prescribed standards.

Thank you for the opportunity to clarify my evidence in relation to this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S. Rattenbury', is written over the typed name and title.

Shane Rattenbury MLA
Attorney-General

/ September 2022