



Gordon Ramsay MLA

Member for Ginninderra

Attorney-General

Minister for Regulatory Services

Minister for the Arts and Community Events

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Mrs Giulia Jones MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Mrs Jones

I write in response to comments made by the Standing Committee on Justice and Community Safety (the Committee) in the Scrutiny of Bills Report No. 10 of October 2017 in relation to the Residential Tenancies Amendment Bill 2017 (the Bill).

The Committee noted that the Bill amends the regulation making power in section 136 of the Residential Tenancies Act by authorising the making of regulations in relation to commercial guarantees, including: 'if a person has registered a standard guarantee contract—information that the person must give to another person before entering into a commercial guarantee with the other person'. The Committee sought further clarity on what type or class of information may be required.

The Bill is not intended to authorise regulations which require the unreasonable disclosure of personal information, so as to give rise to limitations on the right to privacy and reputation under section 12 of the *Human Rights Act 2004* (the HRA).

The regulation is undergoing a co-design process with key stakeholders. Consultation with targeted industry and community stakeholders is under way, with peak housing, property, legal and community services bodies invited to contribute to modeling the regulation.

This process will draw out what will need to be included in relation to the provision of information. I do not want to preempt the outcome of these important consultations; however, the intention of this amendment in the Bill is to allow the regulation to require the provider of a commercial guarantee contract to provide general information about the benefits and risks of the product to lessors and tenants. This is not intended to include personal information, and if there is any ambiguity, interpreting this provision consistently with human rights, as required by section 30 of the HRA, would likely confirm this.

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I thank the Committee for its comments.

Yours sincerely

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Attorney-General