



New South Wales

# Residential Tenancies Amendment (Domestic Violence Reform) Bill 2025

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Residential Tenancies Act 2010* (***the Act***) as a result of a statutory review of provisions of the Act dealing with domestic violence. This Bill—

- (a) provides that a tenant is not vicariously liable for property damage that occurred in the course of domestic abuse by a person other than the tenant, and
- (b) clarifies the circumstances in which a landlord may access residential premises for the purpose of taking photos and visual recordings of the premises and places safeguards on the publication of photographs and visual recordings, and
- (c) expands the circumstances in which a tenant may change the locks at residential premises, and
- (d) clarifies and expands the existing categories of competent persons who can provide a declaration that a tenant or a dependent child of the tenant is a victim of domestic abuse, and
- (e) strengthens confidentiality requirements relating to tenants who have terminated a residential tenancy agreement due to domestic abuse, including by preventing certain information being kept on residential tenancy databases, and
- (f) introduces and amends offences and penalties to support compliance and enforcement of the amendments, and
- (g) makes other related and miscellaneous amendments.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

## **Schedule 1      Amendment of Residential Tenancies Act 2010 No 42**

**Schedule 1[1] and [2]** insert certain definitions for the Act.

**Schedule 1[3] and [4]** provide that a tenant is not vicariously responsible to the landlord for any act or omission committed by a co-tenant or any other person lawfully on the residential premises if—

- (a) the act or omission is considered to be domestic abuse that results in damage to the residential premises, and
- (b) the tenant is not the alleged perpetrator of the domestic abuse.

The Civil and Administrative Tribunal (the *Tribunal*) may make an order determining liability for an act or omission committed by a co-tenant or any other person that is considered to be domestic abuse and results in damage.

**Schedule 1[5] and [6]** clarify the circumstances in which a landlord may access residential premises without the consent of the tenant to take photographs or make visual recordings of the premises for the purpose of advertising the residential premises for sale or lease. Access is only permitted with notice and once in the 28-day period before the premises are advertised for sale or lease, or the termination of the tenant's lease.

**Schedule 1[7]** provides that the landlord must not take photographs or make visual recordings of the residential premises during a residential tenancy agreement if the photographs or recordings will be published and the tenant has not been given 7 days notice and an opportunity to move the tenant's or a dependent child of the tenant's possessions.

**Schedule 1[8]** amends requirements relating to the publication of photographs and visual recordings of residential premises to—

- (a) require that a copy of photographs or visual recordings proposed to be published be given to the tenant free of charge, and
- (b) provide that a tenant is taken to have refused consent to the publication of a photograph or visual recording 7 days after having been given the photograph or recording if the tenant has not given a written response, and
- (c) clarify the circumstances in which a tenant may refuse consent if it is alleged that a person has committed domestic abuse against the tenant or a dependent child of the tenant.

**Schedule 1[9]** inserts definitions for the Act, Part 3, Division 7. **Schedule 1[10] and [11]** make consequential amendments.

**Schedule 1[12]** provides that the landlord or tenant must not change locks at residential premises except in certain circumstances. It also provides for requirements that need to be met by the tenant if the tenant changes locks without the agreement of the landlord.

**Schedule 1[13]** provides for various orders a Tribunal may make for the security of a residential premises if applied to by the landlord or tenant.

**Schedule 1[14]** substitutes the Act, Part 5, Division 3A, which relates to terminations of tenancies in circumstances of domestic violence.

Proposed section 105A inserts a definition for the proposed division.

Proposed section 105B sets out the circumstances in which and requirements for a tenant giving a termination notice to a landlord for a residential tenancy agreement if the tenant alleges domestic abuse by a person against the tenant or a dependent child of the tenant.

Proposed section 105C defines *evidence of domestic abuse*.

Proposed section 105D defines *competent person*.

Proposed section 105E sets out how a competent person may declare a tenant or dependent child of a tenant to be a victim of domestic abuse perpetrated by an alleged perpetrator.

Proposed section 105F makes it an offence for a person to knowingly give false or misleading information or do another thing in purported compliance with proposed section 105E or for a person to knowingly give a competent person false or misleading information for the purposes of a competent person making a declaration under proposed section 105E. Both offences are punishable by a maximum penalty of 100 penalty units or imprisonment for 2 years, or both.

Proposed section 105G provides for the effect of a termination notice given under proposed section 105B.

Proposed section 105H requires a landlord who receives a termination notice under proposed section 105B to give each other tenant written notice of the termination notice and sets out requirements relating to notices given to other tenants.

Proposed section 105I provides for a temporary rent adjustment for the remaining tenants if another tenant's tenancy is terminated because of a termination notice given under proposed section 105B.

Proposed section 105J makes it an offence for a person to use or disclose information contained in certain documents relating to the proposed division (*relevant documents*) except in certain circumstances, and provides that a person must ensure relevant documents are stored and disposed of securely.

Proposed section 105K provides that proposed Division 3A does not limit any other right to terminate a residential tenancy agreement and does not affect other rights of a tenant or occupant under the Act.

**Schedule 1[15]** substitutes section 174 to provide for the circumstances in which a former tenant may request the remaining tenants of a residential tenancy agreement to pay an equal amount of a rental bond for the tenancy formerly paid by the former tenant.

**Schedule 1[16]** provides for certain powers of the Tribunal concerning co-tenant disputes under the Act, proposed section 174.

**Schedule 1[17] and [18]** make amendments consequential to Schedule 1[14].

**Schedule 1[19]** corrects a reference to a landlord's agent to instead refer to an agent of a landlord.

**Schedule 1[20]** substitutes section 213A and inserts proposed section 213B.

Proposed section 213A makes it an offence for a landlord to list information about a tenancy in a residential tenancy database if the information is personal information about a person who terminated a tenancy under proposed section 105B or who alleges domestic abuse against the person or a dependent child of the person during the tenancy (*excluded information*). It also makes it an offence for a landlord or agent of a landlord to fail to give written notice to the database operator requiring the operator to remove the excluded information. Both offences are punishable by a maximum penalty of 50 penalty units for an individual, or otherwise, 200 penalty units.

Proposed section 213B provides that if a person has not been able to have excluded information about the person removed from a residential tenancy database under proposed section 213A, the Secretary may give a written order to the database operator directing the database operator to remove the excluded information.

**Schedule 1[21]** makes an amendment consequential to Schedule 1[20].

**Schedule 1[22]** provides for the circumstances in which an appointment of a person as a tenant's agent is revoked.

**Schedule 1[23]** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.