

**LANDLORD AND TENANT (RENTAL BONDS)
AMENDMENT BILL, 1985**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Consumer Claims Tribunals (Rental Bonds) Amendment Bill, 1985, is cognate with this Bill.

The object of this Bill is to amend the Landlord and Tenant (Rental Bonds) Act, 1977 ("the Act"), in order -

- (a) to characterise as a rental bond a "security deposit" paid before execution of a lease (Schedule 1);
 - (b) to provide for the interests of an instrumentality, such as the Department of Youth and Community Services, that pays or subsidises a rental bond (Schedule 2(2));
 - (c) to increase the penalty for an offence against the Act (Schedule 2(3));
 - (d) to make further provision with respect to the time within which proceedings for an offence against the Act may be brought (Schedule 2(4));
 - (e) to authorise, for certain purposes, the making of grants or loans from the Rental Bond Interest Account (Schedule 2(5));
 - (f) to authorise the establishment of more than one rental advisory service (Schedule 2(6)); and
 - (g) to provide for ancillary matters.
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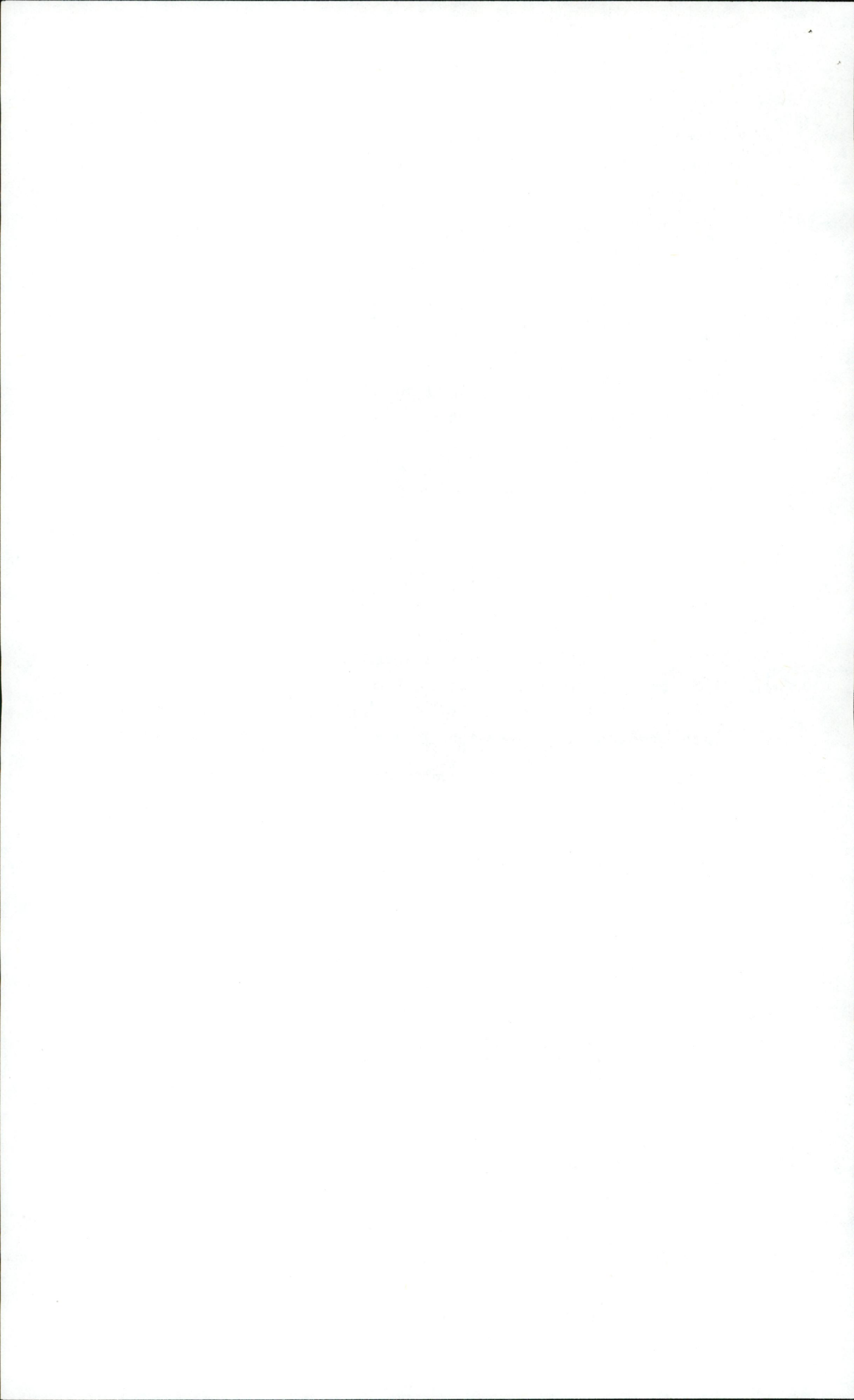
LANDLORD AND TENANT (RENTAL BONDS) AMENDMENT BILL, 1985

A BILL FOR

An Act to amend the Landlord and Tenant (Rental Bonds) Act, 1977, with respect to the deposit of money with the Rental Bond Board and expenditure of money in the Rental Bond Interest Account, and for other purposes.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:-

See also Consumer Claims Tribunals (Rental Bonds) Amendment Bill, 1985.



Short title.

1. This Act may be cited as the "Landlord and Tenant (Rental Bonds) Amendment Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Landlord and Tenant (Rental Bonds) Act, 1977, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:-

SCHEDULE 1. - AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS.

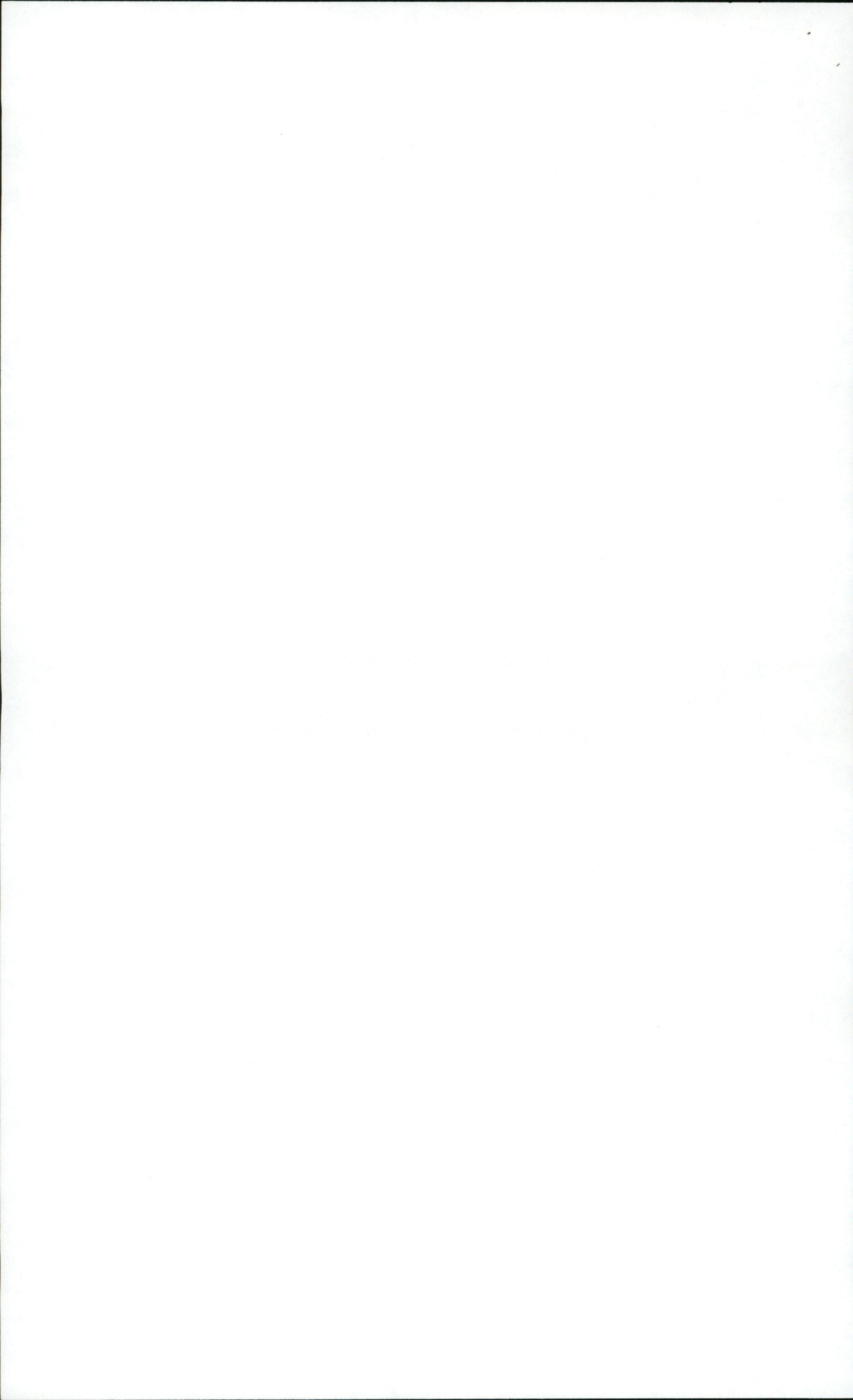
SCHEDULE 2. - MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

Amendment of Act No. 44, 1977.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Transitional provisions.

6. Where, immediately before the commencement of this Act, a form was a form prescribed for any purpose, the form as so prescribed shall, until some other form has been approved by the Minister for that purpose, be deemed to have been approved by the Minister for that purpose.

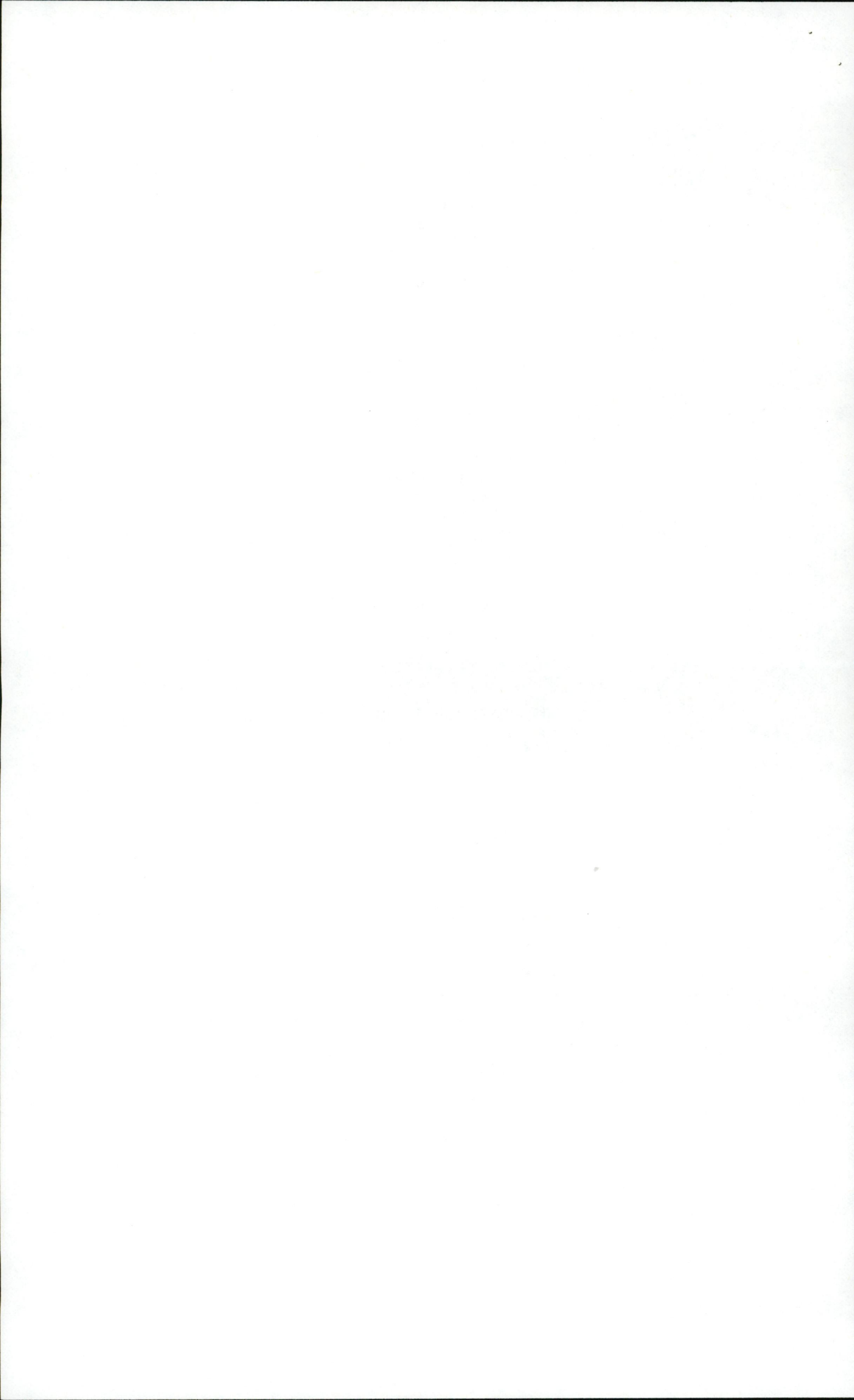


SCHEDULE 1.

(Sec.4.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
RENTAL BONDS.

- (1) (a) Section 4(1), definition of "lessee", "lessor" -
Omit "is or was" wherever occurring, insert
instead "proposes to become, or who is or
was,".
- (b) Section 4(1), definition of "prescribed proceedings" -
Omit "against", insert instead "in relation to".
- (c) Section 4(1), definition of "rental bond" -
After "lease" wherever occurring, insert "or
proposed lease".
- (d) Section 4(1), definition of "rental bond" -
After "paid" where firstly occurring, insert
"before, on or after the date on which the
lease became, or the proposed lease becomes,
binding on the parties".
- (e) Section 4(3) -
After section 4(2), insert:-
- (3) For the purposes of the definition
of "rental bond" in subsection (1), where
money is deposited or paid as referred to
in that definition in relation to a proposed
lease and a lease between the parties, and
of the premises, to which the proposal relates
is entered into, the lease entered into shall
be deemed to be the lease proposed at the
time the money is deposited or paid, whether
or not the lease entered into differs from
the lease proposed at that time.



SCHEDULE 1 - continued.
AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
RENTAL BONDS - continued.

(2) (a) Section 8(1) -

Omit "Where, before the commencement of this section, a lessor under a lease has received a rental bond that, as at that commencement", insert instead "Where, before the commencement of the Landlord and Tenant (Rental Bonds) Amendment Act, 1985, a lessor under a lease or proposed lease received a deposit or payment of money that, if it had been received after that commencement, would have been a rental bond and the money or its equivalent, as at that commencement".

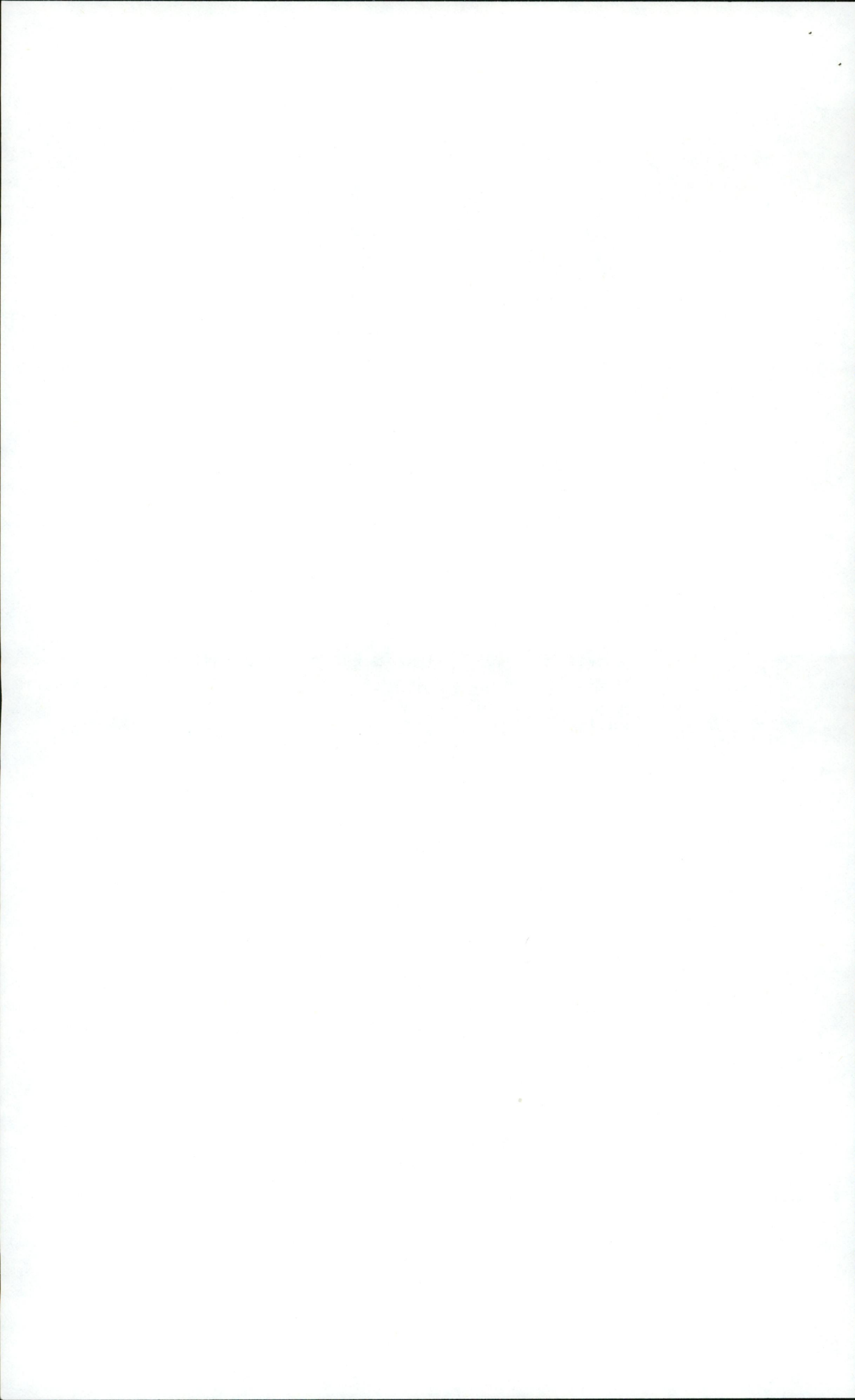
(b) Section 8(1) -

Omit "of that rental bond", insert instead "deposited or paid".

(c) Section 8(2) -

Omit the subsection, insert instead:-

(2) Where, after the commencement of the Landlord and Tenant (Rental Bonds) Amendment Act, 1985, a lessor receives a rental bond for a lease or a proposed lease, that lessor shall, notwithstanding the terms of any agreement, any rule of law or the provisions of any other Act, deposit with the Board an amount of money equivalent to the amount of that rental bond not later than 7 days (or, where some other period is prescribed for the purposes of this subsection, that other period) after -



SCHEDULE 1 - continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
RENTAL BONDS - continued.

- (a) the date of receipt of that rental bond; or
- (b) the date on which the lease became, or the proposed lease becomes, binding on the parties,

whichever is the later date.

(d) Section 8(5)(d) -

Omit the paragraph, insert instead:-

(d) Where paragraph (b) applies - by omitting from subsection (2) all matter following the word "after" where secondly occurring, and by inserting instead the words "that rental bond ceases to be exempt or excluded from the operation of this section".

(3) Section 9 -

After "lease" wherever occurring, insert "or proposed lease".

(4) Section 13(1) -

After "leasing", insert "or proposed leasing".



SCHEDULE 2.

(Sec.4.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 8(4) -

Omit "the prescribed form", insert instead "a form approved by the Minister".

(2) (a) Section 11(1), (1A) -

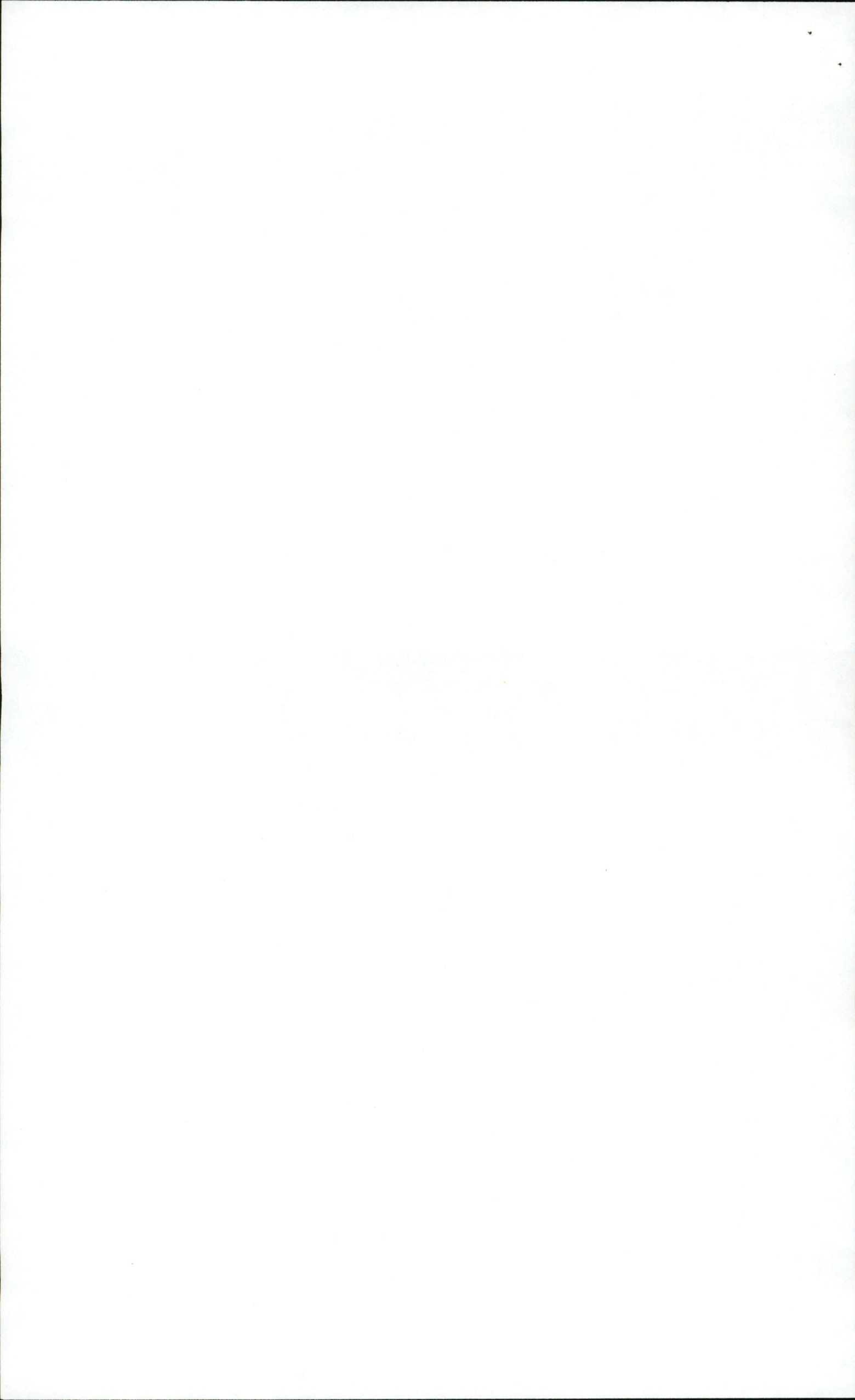
Omit section 11(1), insert instead:-

(1) In this section -

(a) a reference to an amount of money, in relation to a lease, is a reference to an amount of money equivalent to the amount of money, or part of the amount of money, as the case may require, held on deposit by the Board in respect of that lease; and

(b) where the Board has received a notification referred to in subsection (1A) from a prescribed person or organisation - a reference to a lessee includes a reference to the prescribed person or organisation.

(1A) Where the Board is, or has been, notified that an amount of money held on deposit by the Board in respect of a lease, or that a specified part of such an amount of money, was paid to it by a prescribed person or organisation on behalf of the lessee under the lease, the



SCHEDULE 2 - continued.
MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT - continued.

Board shall, where it is required to pay out to the lessee any part of the amount of money held on deposit, pay to the prescribed person or organisation in priority to any other person so much of the amount that it is required to pay out as does not exceed the amount to which the notification relates.

(b) Section 11(2) -

Omit "the prescribed form", insert instead "a form approved by the Minister".

(3) Section 16(2) -

Omit "\$500", insert instead "\$2,000".

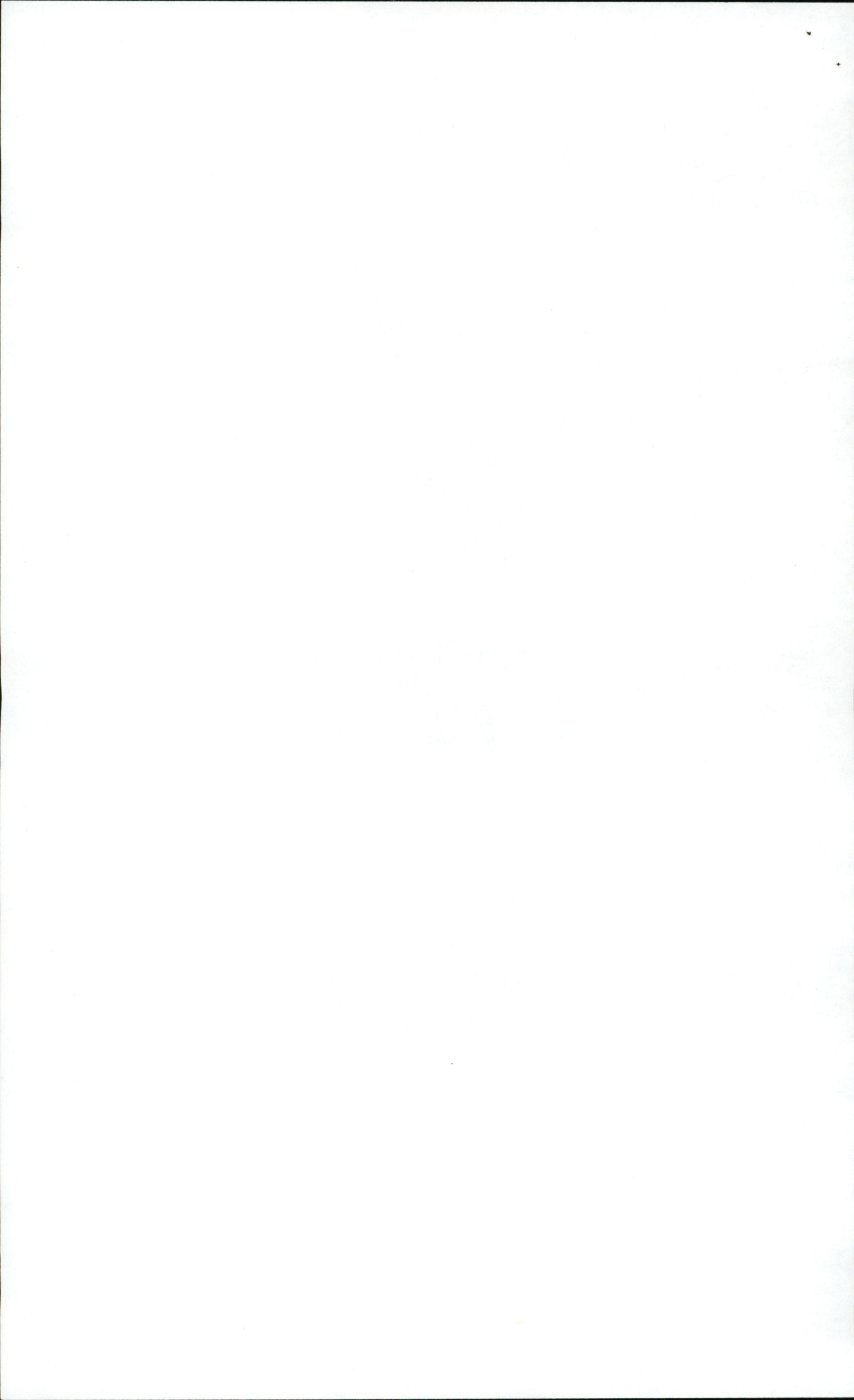
(4) Section 17(2) -

Omit the subsection, insert instead:-

(2) Notwithstanding anything in any Act, proceedings for an offence punishable under this Act may be brought -

(a) in the case of an offence in relation to a rental bond for a lease or a proposed lease - at any time before the expiration of the period of 3 years that next succeeds -

(i) the commission of the offence;
or



SCHEDULE 2 - continued.
MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT - continued.

(ii) the termination of the lease,
whichever is the later; or

(b) in any other case - at any time before
the expiration of the period of 3 years
that next succeeds the commission of
the offence.

(5) Section 20(4) -

After section 20(3), insert:-

(4) The Board may make a grant or loan from
the Rental Bond Interest Account for the purposes
of -

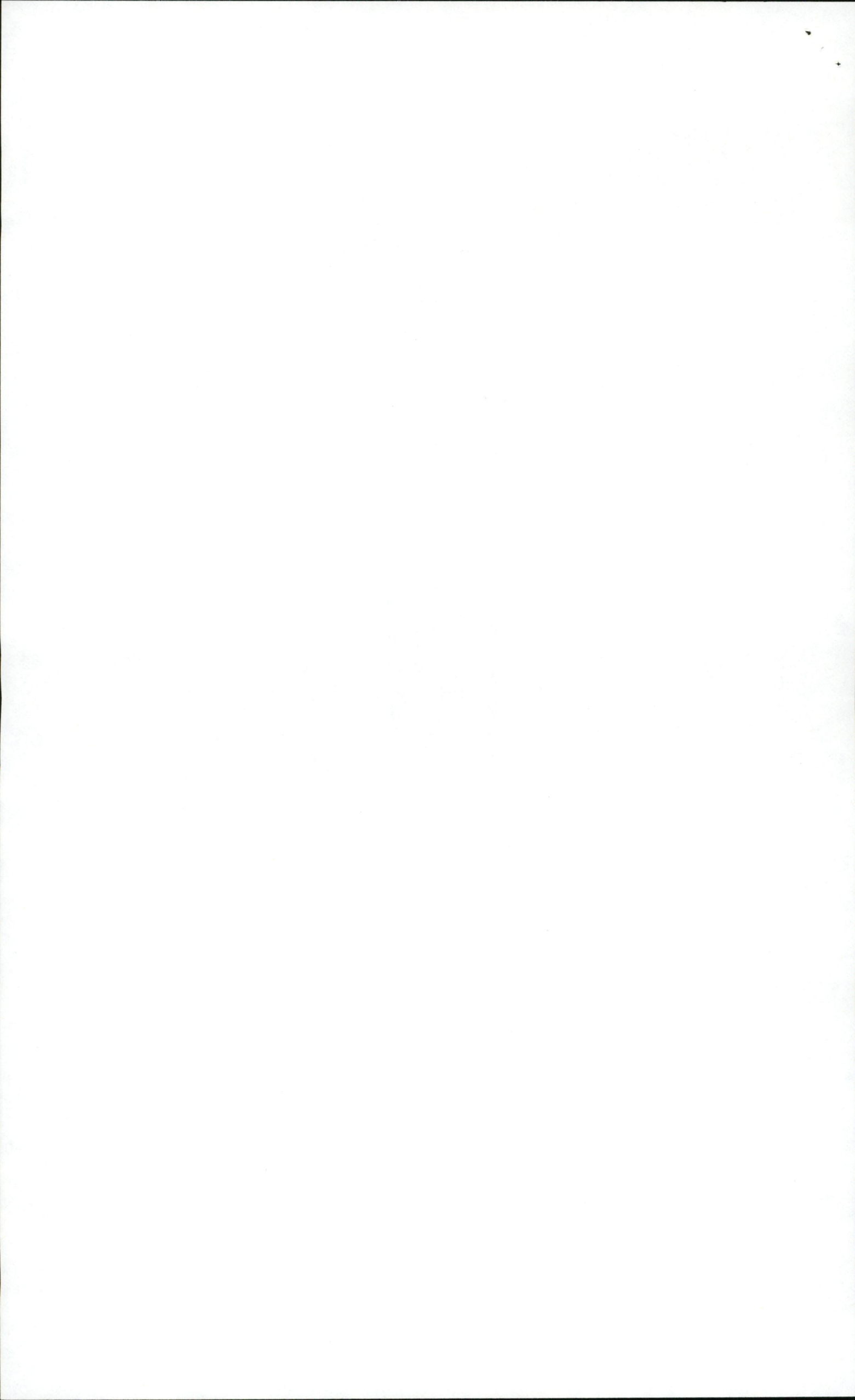
(a) a scheme approved by the Minister for
the provision of residential accommodation;
or

(b) research being conducted, with the approval
of the Minister, into matters relevant
to the relationship of landlord and tenant,

subject to compliance with any conditions imposed
by the Minister when giving the approval.

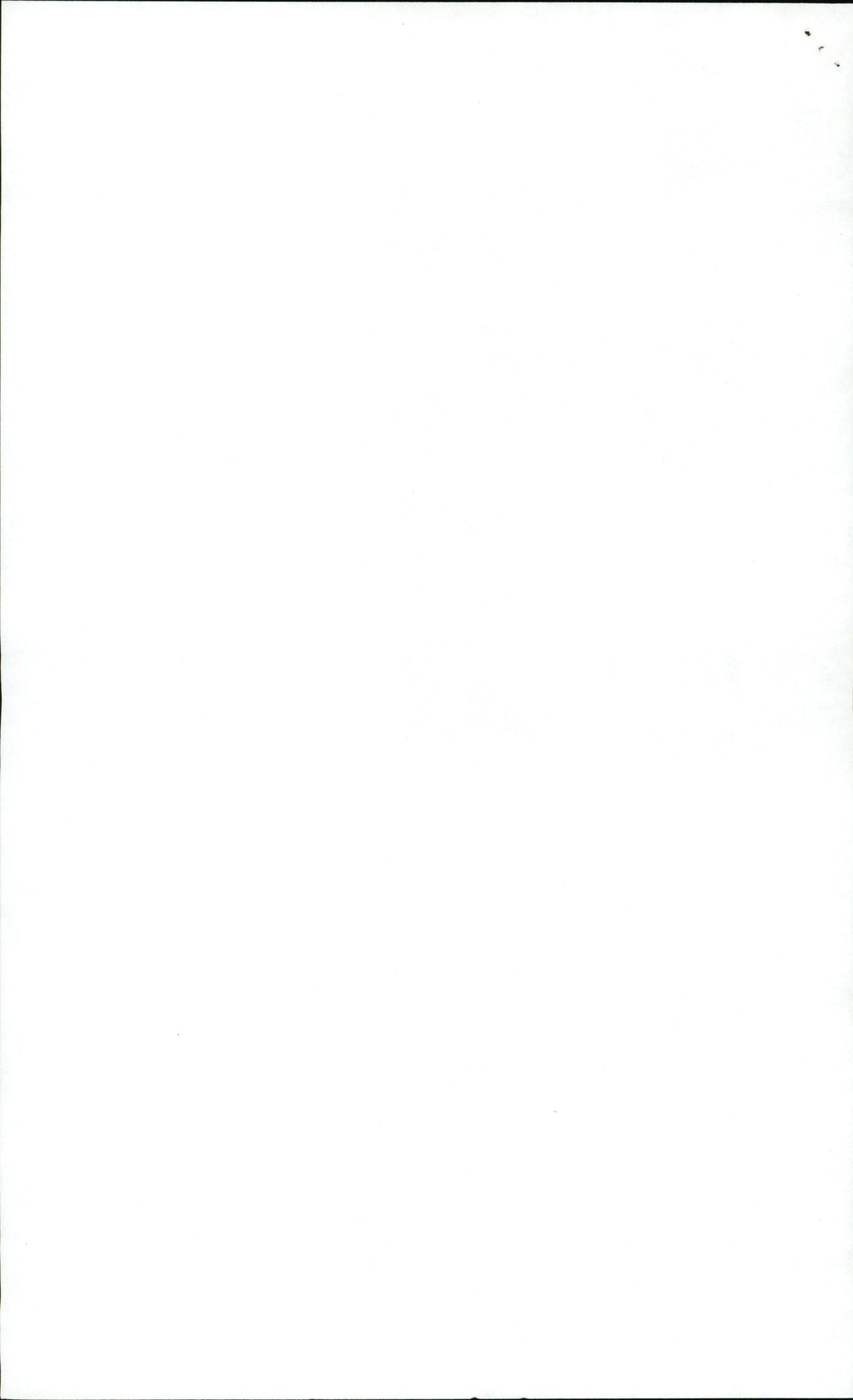
(6) (a) Section 21 -

After "may", insert "with the approval of the
Minister and subject to compliance with any
conditions imposed by the Minister when giving
the approval,".



SCHEDULE 2 - continued.
MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT - continued.

- (b) Section 21 -
Omit "establishment and ", insert instead
"establishment or".
- (c) Section 21 -
Omit "a Rental Advisory Service", insert
instead "rental advisory services".
-



**LANDLORD AND TENANT (RENTAL BONDS)
AMENDMENT BILL, 1985**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Consumer Claims Tribunals (Rental Bonds) Amendment Bill, 1985, is cognate with this Bill.

The object of this Bill is to amend the Landlord and Tenant (Rental Bonds) Act, 1977 ("the Act"), in order—

- (a) to characterise as a rental bond a "security deposit" paid before execution of a lease (Schedule 1);
 - (b) to provide for the interests of an instrumentality, such as the Department of Youth and Community Services, that pays or subsidises a rental bond (Schedule 2 (3));
 - (c) to increase the penalty for an offence against the Act (Schedule 2 (3));
 - (d) to make further provision with respect to the time within which proceedings for an offence against the Act may be brought (Schedule 2 (4));
 - (e) to authorise, for certain purposes, the making of grants or loans from the Rental Bond Interest Account (Schedule 2 (5));
 - (f) to authorise the establishment of more than one rental advisory service (Schedule 2 (6)); and
 - (g) to provide for ancillary matters.
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**LANDLORD AND TENANT (RENTAL BONDS)
AMENDMENT BILL, 1985**

No. , 1985.

A BILL FOR

An Act to amend the landlord and Tenant (Rental Bonds) Act, 1977, with respect to the deposit of money with the Rental Bond Board and expenditure of money in the Rental Bond Interest Account, and for other purposes.

See also Consumer Claims Tribunals (Rental Bonds) Amendment Bill, 1985.

Landlord and Tenant (Rental Bonds) Amendment 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Landlord and Tenant (Rental Bonds) Amendment Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

15 3. The Landlord and Tenant (Rental Bonds) Act, 1977, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS.

20 SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

Amendment of Act No. 44, 1977.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

25 Transitional provisions.

6. Where, immediately before the commencement of this Act, a form was a form prescribed for any purpose, the form as so prescribed shall, until some other form has been approved by the Minister for that purpose, be deemed to have been approved by the Minister for that purpose.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS.

(1) (a) Section 4 (1), definition of "lessee", "lessor"—

5 Omit "is or was" wherever occurring, insert instead "proposes to become, or who is or was,".

(b) Section 4 (1), definition of "prescribed proceedings"—

Omit "against", insert instead "in relation to".

(c) Section 4 (1), definition of "rental bond"—

10 After "lease" wherever occurring, insert "or proposed lease".

(d) Section 4 (1), definition of "rental bond"—

After "paid" where firstly occurring, insert "before, on or after the date on which the lease became, or the proposed lease becomes, binding on the parties".

15 (e) Section 4 (3)—

After section 4 (2), insert:—

20 (3) For the purposes of the definition of "rental bond" in subsection (1), where money is deposited or paid as referred to in that definition in relation to a proposed lease and a lease between the parties, and of the premises, to which the proposal relates is entered into, the lease entered into shall be deemed to be the lease proposed at the time the money is deposited or paid, whether or not the lease entered into differs from the lease proposed at that time.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS—
continued.

(2) (a) Section 8 (1)—

5 Omit “Where, before the commencement of this section, a
lessor under a lease has received a rental bond that, as at that
commencement”, insert instead “Where, before the
commencement of the Landlord and Tenant (Rental Bonds)
10 Amendment Act, 1985, a lessor under a lease or proposed lease
received a deposit or payment of money that, if it had been
received after that commencement, would have been a rental
bond and the money or its equivalent, as at that
commencement”.

(b) Section 8 (1)—

15 Omit “of that rental bond”, insert instead “deposited or paid”.

(c) Section 8 (2)—

Omit the subsection, insert instead:—

20 (2) Where, after the commencement of the Landlord and
Tenant (Rental Bonds) Amendment Act, 1985, a lessor receives
a rental bond for a lease or a proposed lease, that lessor shall,
notwithstanding the terms of any agreement, any rule of law or
the provisions of any other Act, deposit with the Board an
amount of money equivalent to the amount of that rental bond
25 not later than 7 days (or, where some other period is prescribed
for the purposes of this subsection, that other period) after—

(a) the date of receipt of that rental bond; or

(b) the date on which the lease became, or the proposed
lease becomes, binding on the parties,

whichever is the later date.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS—
continued.

(d) Section 8 (5) (d)—

5

Omit the paragraph, insert instead:—

(d) Where paragraph (b) applies—by omitting from subsection (2) all matter following the word “after” where secondly occurring, and by inserting instead the words “that rental bond ceases to be exempt or excluded from the operation of this section”.

10

(3) Section 9—

After “lease” wherever occurring, insert “or proposed lease”.

(4) Section 13 (1)—

After “leasing”, insert “or proposed leasing”.

15

SCHEDULE 2.

(Sec. 4.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 8 (4)—

20

Omit “the prescribed form”, insert instead “a form approved by the Minister”.

(2) (a) Section 11 (1), (1A)—

Omit section 11 (1), insert instead—

(1) In this section—

25

(a) a reference to an amount of money, in relation to a lease, is a reference to an amount of money equivalent to the amount of money, or part of the amount of money, as the case may require, held on deposit by the Board in respect of that lease; and

30

(b) where the Board has received a notification referred to in subsection (1A) from a prescribed person or organisation—a reference to a lessee includes a reference to the prescribed person or organisation.

*Landlord and Tenant (Rental Bonds) Amendment 1985*SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (1A) Where the Board is, or has been, notified that an amount of money held on deposit by the Board in respect of a lease, or that a specified part of such an amount of money, was paid to it by a prescribed person or organisation on behalf of the lessee under the lease, the Board shall, where it is required to pay out to the lessee any part of the amount of money held on deposit, pay to the prescribed person or organisation in priority to any other person so much of the amount that it is required to pay out as does not exceed the amount to which the notification relates.

(b) Section 11 (2)—

15 Omit “the prescribed form”, insert instead “a form approved by the Minister”.

(3) Section 16 (2)—

Omit “\$500”, insert instead “\$2,000”.

(4) Section 17 (2)—

Omit the subsection, insert instead—

20 (2) Notwithstanding anything in any Act, proceedings for an offence punishable under this Act may be brought—

(a) in the case of an offence in relation to a rental bond for a lease or a proposed lease—at any time before the expiration of the period of 3 years that next succeeds—

25 (i) the commission of the offence; or

(ii) the termination of the lease,

whichever is the later; or

(b) in any other case—at any time before the expiration of the period of 3 years that next succeeds the commission of the offence.

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*Landlord and Tenant (Rental Bonds) Amendment 1985*SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 20 (4)—

After section 20 (3), insert:—

- 5 (4) The Board may make a grant or loan from the Rental Bond Interest Account for the purposes of—
- (a) a scheme approved by the Minister for the provision of residential accommodation; or
- 10 (b) research being conducted, with the approval of the Minister, into matters relevant to the relationship of landlord and tenant,
- subject to compliance with any conditions imposed by the Minister when giving the approval.

(6) (a) Section 21—

- 15 After “may”, insert “with the approval of the Minister and subject to compliance with any conditions imposed by the Minister when giving the approval,”.

(b) Section 21—

Omit “establishment and ”, insert instead “establishment or”.

20 (c) Section 21—

Omit “a Rental Advisory Service”, insert instead “rental advisory services”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985



**LANDLORD AND TENANT (RENTAL BONDS)
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No. , 1985.

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5 Short title.

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Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

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Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1.

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(b) Section 4 (1), definition of "prescribed proceedings"—

Omit "against", insert instead "in relation to".

(c) Section 4 (1), definition of "rental bond"—

10 After "lease" wherever occurring, insert "or proposed lease".

(d) Section 4 (1), definition of "rental bond"—

After "paid" where firstly occurring, insert "before, on or after the date on which the lease became, or the proposed lease becomes, binding on the parties".

15 (e) Section 4 (3)—

After section 4 (2), insert:—

20 (3) For the purposes of the definition of "rental bond" in subsection (1), where money is deposited or paid as referred to in that definition in relation to a proposed lease and a lease between the parties, and of the premises, to which the proposal relates is entered into, the lease entered into shall be deemed to be the lease proposed at the time the money is deposited or paid, whether or not the lease entered into differs from the lease proposed at that time.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS—
continued.

(2) (a) Section 8 (1)—

5 Omit “Where, before the commencement of this section, a
lessor under a lease has received a rental bond that, as at that
commencement”, insert instead “Where, before the
10 commencement of the Landlord and Tenant (Rental Bonds)
Amendment Act, 1985, a lessor under a lease or proposed lease
received a deposit or payment of money that, if it had been
received after that commencement, would have been a rental
bond and the money or its equivalent, as at that
commencement”.

(b) Section 8 (1)—

15 Omit “of that rental bond”, insert instead “deposited or paid”.

(c) Section 8 (2)—

Omit the subsection, insert instead:—

20 (2) Where, after the commencement of the Landlord and
Tenant (Rental Bonds) Amendment Act, 1985, a lessor receives
a rental bond for a lease or a proposed lease, that lessor shall,
notwithstanding the terms of any agreement, any rule of law or
the provisions of any other Act, deposit with the Board an
amount of money equivalent to the amount of that rental bond
25 not later than 7 days (or, where some other period is prescribed
for the purposes of this subsection, that other period) after—

(a) the date of receipt of that rental bond; or

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Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS—
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(d) Section 8 (5) (d)—

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(d) Where paragraph (b) applies—by omitting from subsection (2) all matter following the word “after” where secondly occurring, and by inserting instead the words “that rental bond ceases to be exempt or excluded from the operation of this section”.

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(3) Section 9—

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MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 8 (4)—

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Omit section 11 (1), insert instead—

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30 (b) where the Board has received a notification referred to in subsection (1A) from a prescribed person or organisation—a reference to a lessee includes a reference to the prescribed person or organisation.

*Landlord and Tenant (Rental Bonds) Amendment 1985*SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (1A) Where the Board is, or has been, notified that an amount of money held on deposit by the Board in respect of a lease, or that a specified part of such an amount of money, was paid to it by a prescribed person or organisation on behalf of the lessee under the lease, the Board shall, where it is required to pay out to the lessee any part of the amount of money held on deposit, pay to the prescribed person or organisation in priority to any other person so much of the amount that it is required to pay out as does not exceed the amount to which the notification relates.

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whichever is the later; or

30 (b) in any other case—at any time before the expiration of the period of 3 years that next succeeds the commission of the offence.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 20 (4)—

After section 20 (3), insert:—

5 (4) The Board may make a grant or loan from the Rental Bond Interest Account for the purposes of—

- (a) a scheme approved by the Minister for the provision of residential accommodation; or
- 10 (b) research being conducted, with the approval of the Minister, into matters relevant to the relationship of landlord and tenant,

subject to compliance with any conditions imposed by the Minister when giving the approval.

(6) (a) Section 21—

15 After “may”, insert “with the approval of the Minister and subject to compliance with any conditions imposed by the Minister when giving the approval,”.

(b) Section 21—

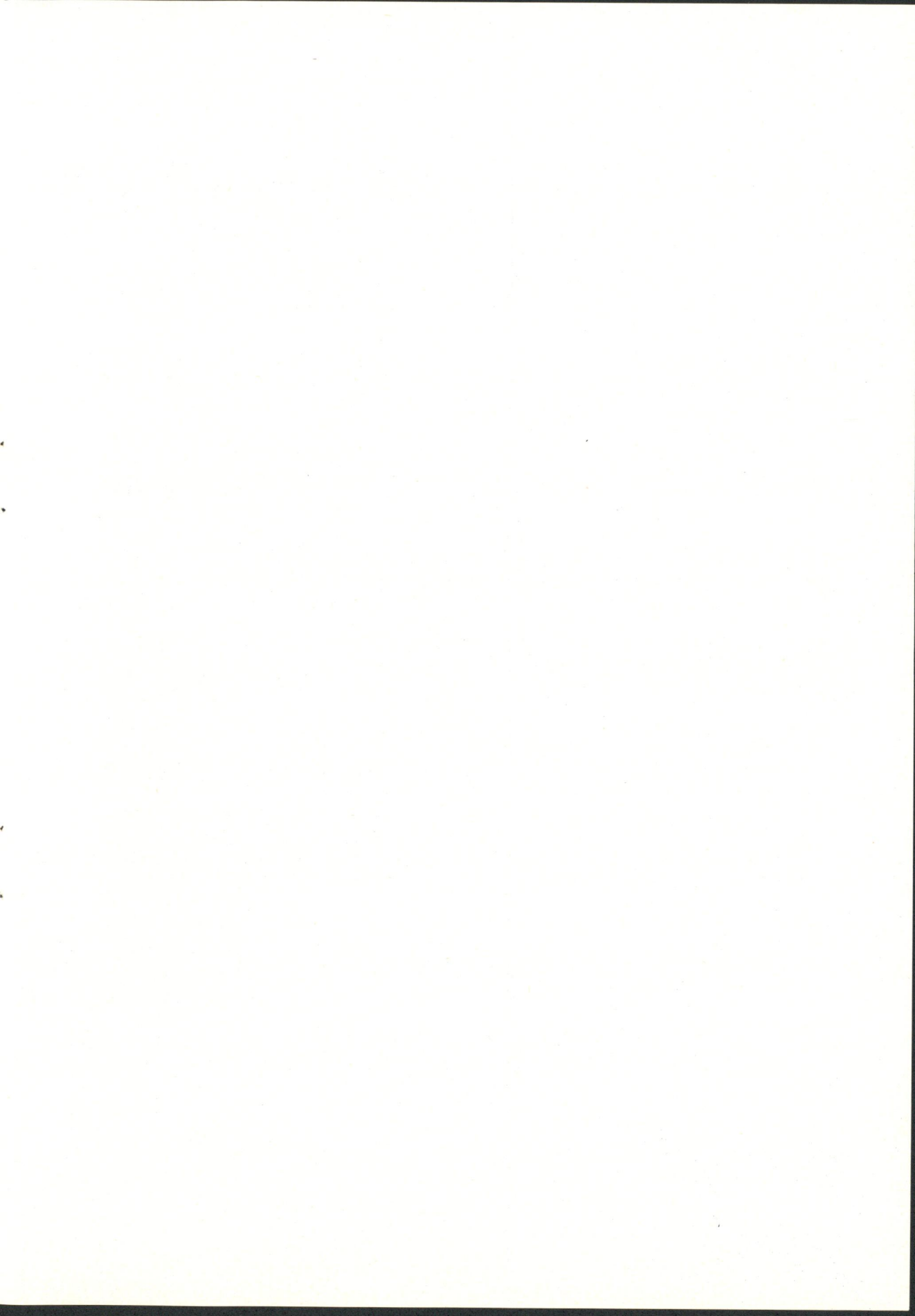
Omit “establishment and ”, insert instead “establishment or”.

20 (c) Section 21—

Omit “a Rental Advisory Service”, insert instead “rental advisory services”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985





**LANDLORD AND TENANT (RENTAL BONDS) AMENDMENT
ACT, 1985, No. 65**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 65, 1985.

An Act to amend the Landlord and Tenant (Rental Bonds) Act, 1977, with respect to the deposit of money with the Rental Bond Board and expenditure of money in the Rental Bond Interest Account, and for other purposes. [Assented to, 15th May, 1985.]

See also Consumer Claims Tribunals (Rental Bonds) Amendment Act, 1985.

Landlord and Tenant (Rental Bonds) Amendment 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Landlord and Tenant (Rental Bonds) Amendment Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Landlord and Tenant (Rental Bonds) Act, 1977, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS.

SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

Amendment of Act No. 44, 1977.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Transitional provisions.

6. Where, immediately before the commencement of this Act, a form was a form prescribed for any purpose, the form as so prescribed shall, until some other form has been approved by the Minister for that purpose, be deemed to have been approved by the Minister for that purpose.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS.

(1) (a) Section 4 (1), definition of "lessee", "lessor"—

Omit "is or was" wherever occurring, insert instead "proposes to become, or who is or was,".

(b) Section 4 (1), definition of "prescribed proceedings"—

Omit "against", insert instead "in relation to".

(c) Section 4 (1), definition of "rental bond"—

After "lease" wherever occurring, insert "or proposed lease".

(d) Section 4 (1), definition of "rental bond"—

After "paid" where firstly occurring, insert "before, on or after the date on which the lease became, or the proposed lease becomes, binding on the parties".

(e) Section 4 (3)—

After section 4 (2), insert:—

(3) For the purposes of the definition of "rental bond" in subsection (1), where money is deposited or paid as referred to in that definition in relation to a proposed lease and a lease between the parties, and of the premises, to which the proposal relates is entered into, the lease entered into shall be deemed to be the lease proposed at the time the money is deposited or paid, whether or not the lease entered into differs from the lease proposed at that time.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS—
continued.

(2) (a) Section 8 (1)—

Omit “Where, before the commencement of this section, a lessor under a lease has received a rental bond that, as at that commencement”, insert instead “Where, before the commencement of the Landlord and Tenant (Rental Bonds) Amendment Act, 1985, a lessor under a lease or proposed lease received a deposit or payment of money that, if it had been received after that commencement, would have been a rental bond and the money or its equivalent, as at that commencement”.

(b) Section 8 (1)—

Omit “of that rental bond”, insert instead “deposited or paid”.

(c) Section 8 (2)—

Omit the subsection, insert instead:—

(2) Where, after the commencement of the Landlord and Tenant (Rental Bonds) Amendment Act, 1985, a lessor receives a rental bond for a lease or a proposed lease, that lessor shall, notwithstanding the terms of any agreement, any rule of law or the provisions of any other Act, deposit with the Board an amount of money equivalent to the amount of that rental bond not later than 7 days (or, where some other period is prescribed for the purposes of this subsection, that other period) after—

(a) the date of receipt of that rental bond; or

(b) the date on which the lease became, or the proposed lease becomes, binding on the parties,

whichever is the later date.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RENTAL BONDS—
continued.

(d) Section 8 (5) (d)—

Omit the paragraph, insert instead:—

(d) Where paragraph (b) applies—by omitting from subsection (2) all matter following the word “after” where secondly occurring, and by inserting instead the words “that rental bond ceases to be exempt or excluded from the operation of this section”.

(3) Section 9—

After “lease” wherever occurring, insert “or proposed lease”.

(4) Section 13 (1)—

After “leasing”, insert “or proposed leasing”.

SCHEDULE 2.

(Sec. 4.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 8 (4)—

Omit “the prescribed form”, insert instead “a form approved by the Minister”.

(2) (a) Section 11 (1), (1A)—

Omit section 11 (1), insert instead—

(1) In this section—

(a) a reference to an amount of money, in relation to a lease, is a reference to an amount of money equivalent to the amount of money, or part of the amount of money, as the case may require, held on deposit by the Board in respect of that lease; and

(b) where the Board has received a notification referred to in subsection (1A) from a prescribed person or organisation—a reference to a lessee includes a reference to the prescribed person or organisation.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(1A) Where the Board is, or has been, notified that an amount of money held on deposit by the Board in respect of a lease, or that a specified part of such an amount of money, was paid to it by a prescribed person or organisation on behalf of the lessee under the lease, the Board shall, where it is required to pay out to the lessee any part of the amount of money held on deposit, pay to the prescribed person or organisation in priority to any other person so much of the amount that it is required to pay out as does not exceed the amount to which the notification relates.

(b) Section 11 (2)—

Omit “the prescribed form”, insert instead “a form approved by the Minister”.

(3) Section 16 (2)—

Omit “\$500”, insert instead “\$2,000”.

(4) Section 17 (2)—

Omit the subsection, insert instead—

(2) Notwithstanding anything in any Act, proceedings for an offence punishable under this Act may be brought—

(a) in the case of an offence in relation to a rental bond for a lease or a proposed lease—at any time before the expiration of the period of 3 years that next succeeds—

(i) the commission of the offence; or

(ii) the termination of the lease,

whichever is the later; or

(b) in any other case—at any time before the expiration of the period of 3 years that next succeeds the commission of the offence.

Landlord and Tenant (Rental Bonds) Amendment 1985

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 20 (4)—

After section 20 (3), insert:—

(4) The Board may make a grant or loan from the Rental Bond Interest Account for the purposes of—

- (a) a scheme approved by the Minister for the provision of residential accommodation; or
- (b) research being conducted, with the approval of the Minister, into matters relevant to the relationship of landlord and tenant,

subject to compliance with any conditions imposed by the Minister when giving the approval.

(6) (a) Section 21—

After “may”, insert “with the approval of the Minister and subject to compliance with any conditions imposed by the Minister when giving the approval,”.

(b) Section 21—

Omit “establishment and ”, insert instead “establishment or”.

(c) Section 21—

Omit “a Rental Advisory Service”, insert instead “rental advisory services”.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 15th May, 1985.*

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