



Department of Customer Service

Government Response to Legislative Assembly Select Committee Final Report on the Residential Tenancies Amendment (Rental Fairness) Bill 2023

December 2023

Recommendation 1 – *That the Legislative Assembly proceed to debate the Residential Tenancies Amendment (Rental Fairness) Bill 2023, omit clause 22B and pass all other provisions of the Bill as a matter of urgency.*

Supported and implemented.

On 7 June 2023, the Government announced its intention to amend the *Residential Tenancies Amendment (Rental Fairness) Bill 2023* to remove clause 22B. On 22 June 2023, the NSW Parliament passed the *Residential Tenancies Amendment (Rental Fairness) Act 2023* (Amendment Act).

The Amendment Act received assent on 3 July 2023, commenced on 3 August 2023, and amends the *Residential Tenancies Act 2010* (the Act) to extend the existing ban on soliciting higher rental bids to landlords and other third parties (such as online rental application platforms). It also extends the requirement to advertise a property at a fixed rent.

The Amendment Act also included additional regulation making powers to enable a portable rental bond scheme to be established.

Recommendation 2 – *That the NSW Government prioritise the appointment of New South Wales' first Rental Commissioner.*

Supported and implemented.

The NSW Government announced the appointment of the first NSW Rental Commissioner, Ms Trina Jones, on 11 July 2023. Ms Jones started in the role on 7 August 2023. The Rental Commissioner is working hard to foster cooperative and fair engagement with renters, property owners, agents and other stakeholders as the Government works to implement its commitments to strengthen protections and fairness for renters.

Recommendation 3 – *That the NSW Government ensure that the Rental Commissioner consult with stakeholders in the course of overseeing transparency improvements in the rental market.*

Supported and in progress.

The NSW Government is conducting extensive consultation with stakeholders in the course of implementing the Government's commitments to strengthen protections for renters and make rental laws fairer.

In July 2023, the NSW Government released the *Improving NSW Rental Laws* consultation paper.

Submissions closed on 11 August 2023. The public consultation received over 400 submissions and 16,000 survey responses from the public, and industry and tenant groups.

Since her appointment, the Rental Commissioner has conducted extensive additional stakeholder consultation. This includes direct meetings and roundtables with key stakeholders, industry and expert forums, participation and discussion at conferences, as well as meetings with other jurisdictions across Australia. The Commissioner has met with renters, property providers and industry leaders and had direct engagement with over 60 organisations. The Commissioner continues to engage with the sector on an ongoing basis to inform the rental reform policy development and implementation process.

While much of this consultation has focussed on implementing the Government's election commitments, the Commissioner is also considering the types of data and information that may be required to increase transparency in the rental market.

Recommendation 4 – That, in consultation with advocacy groups, the NSW Government consider how best to limit or reduce discrimination for people from marginalised groups when applying for tenancy agreements.

Supported and in progress.

As part of the *Improving NSW Rental Laws* consultation, the NSW Government sought feedback on increasing protections for renters' personal information and discrimination in the rental application process.

The Government is considering the feedback to this consultation and will also work with key stakeholders to better protect renters' personal information and provide clarity about the information that can be requested as part of the application process. This in-depth work will continue into 2024.

Recommendation 5 – That the Rental Commissioner:

- **monitor the implementation of the Residential Tenancies Amendment (Rental Fairness) Bill 2023 as enacted, and**
- **advise and make recommendations about appropriate regulatory changes and actions in the course of monitoring its implementation.**

Supported and in progress.

The Rental Commissioner is monitoring implementation of the Amendment Act to ensure it is fit for purpose and continues to achieve its objectives. As part of ongoing development of rental reforms, the Rental Commissioner will also continue to consider feedback from stakeholders on rent bidding and the portable bonds scheme, and make recommendations as appropriate for any necessary regulatory changes.

Recommendation 6 – That NSW Fair Trading consider implementing reporting requirements and mechanisms to enable the Rental Commissioner to collect data on rent price increases and rent bidding.

Supported.

The NSW Government acknowledges that access to data on the rental market is fundamental in assessing the impact of any reforms on the rental market as well as to ensure Fair Trading undertakes appropriate compliance and enforcement activity. Accordingly, section 22A(4) of the Amendment Act provides for the Regulations to require the provision of information to the Secretary for the purposes of monitoring the rent bidding reforms.

Fair Trading collects a range of data on residential tenancies, including data on rent bidding complaints and enquiries, which is used to determine appropriate targeted education, compliance and enforcement initiatives.

Recommendation 7 – That the NSW Government consider implementing a standardised tenancy application form to improve transparency and disclosure in the tenancy application process.

Supported and in progress.

The NSW Government sought feedback on increasing protections for renters' personal information as part of the *Improving NSW Rental Laws* consultation. This included a specific question on support for a standard tenancy application form that limits the information collected by landlords and agents in rental applications.

The Government is considering the feedback received on this issue and will use it to inform any decisions regarding a standardised tenancy application form.

Further, in August 2023 National Cabinet agreed to make rental applications easier and to protect renters' personal information. This includes by prescribing a rental application form in each jurisdiction. In considering reforms in this area, the NSW Government will take into account National Cabinet's recommendation and collaborate with other jurisdictions.