

NORTHERN TERRITORY OF AUSTRALIA
RESIDENTIAL TENANCIES (CONSEQUENTIAL
AMENDMENTS) ACT 1999

No. 46 of 1999

TABLE OF PROVISIONS

Section

- 1 Short title
- 2 Commencement
3. Amendment of *Agents Licensing Act*
4. Amendment of *Housing Act*
 34. Application of *Residential Tenancies Act*
5. Amendment of *Real Property Act*
 127. Covenants and powers not applicable to residential tenancies
6. Amendment of *Tenancy Act*
7. Amendment of *Trespass Act*
8. Amendment of *Unlawful Betting Act*
9. Amendment of *Valuation of Land Act*



NORTHERN TERRITORY OF AUSTRALIA

No. 46 of 1999

AN ACT

to amend various legislative provisions consequential on the enactment
of the *Residential Tenancies Act*

[Assented to 10 November 1999]

[Second reading 19 August 1999]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Residential Tenancies (Consequential Amendments) Act 1999*.

2. Commencement

This Act comes into operation on the commencement of the *Residential Tenancies Act 1999*.

3. Amendment of *Agents Licensing Act*

Section 50 of the *Agents Licensing Act* is amended by omitting from subsection (1)(c) "*Tenancy Act*" and substituting "*Commercial Tenancies Act* or the *Residential Tenancies Act*".

4. Amendment of *Housing Act*

The *Housing Act* is amended by omitting section 34 and substituting the following:

"34. Application to *Residential Tenancies Act*

"The *Residential Tenancies Act* applies to and in relation to premises let under this Act."

5. Amendment of *Real Property Act*

The *Real Property Act* is amended by inserting after section 126 the following:

"127. Covenants and powers not applicable to residential tenancies

"Sections 124 and 125 do not apply to a lease that is a tenancy agreement within the meaning of the *Residential Tenancies Act*."

6. Amendment of *Tenancy Act*

(1) The long title of the *Tenancy Act* is amended by omitting "tenancies and to the control of rents" and substituting "business tenancies".

(2) Section 1 of the *Tenancy Act* is amended by omitting "*Tenancy Act*" and substituting "*Commercial Tenancies Act*".

(3) Section 4 of the *Tenancy Act* is amended –

(a) by omitting from subsection (1) the definitions of "Commissioner", "demountable building" and "dwelling-house";

(b) by omitting from subsection (1) the definition of "lessee" and substituting the following:

" 'lessee' means a tenant or the party to a lease to whom premises are leased and includes a person in possession of premises under an assignment of a lease or a sub-lease, if the assignment or the sub-lease has been made or given without the consent of the lessor and that consent was expressly or impliedly required under the terms of the lease;";

(c) by omitting from subsection (1) the definitions of "periodical tenancy" and "premises" and substituting the following:

" 'premises' means premises leased primarily for business purposes, whether or not the premises may be used as a residence under the lease;";

(d) by omitting from subsection (1) the definitions of "real estate agent", "Registrar", "security deposit", "shared accommodation" and "sub-let"; and

(e) by omitting subsection (3).

Residential Tenancies (Consequential Amendments) Act 1999

(4) Section 5 of the *Tenancy Act* is amended by omitting all words after "bind the Crown".

(5) Sections 6 and 6A and Parts II, III, V and VI of the *Tenancy Act* are repealed.

(6) Section 41 of the *Tenancy Act* is amended by omitting the definitions of "premises" and "dwelling-house".

(7) Section 42 of the *Tenancy Act* is amended by omitting "\$2,000" and substituting "100 penalty units".

(8) Section 46 of the *Tenancy Act* is amended –

(a) by omitting subsection (1) and substituting the following:

"(1) Subject to a term of the lease, a lessor is not required to specify in the notice to quit a ground for the giving of notice in respect of a periodical tenancy.";

(b) by omitting from subsection (2) "relates to premises other than a dwelling-house which"; and

(c) by omitting from subsection (3) "other than a dwelling-house".

(9) Sections 47, 47A, 47B, 51, 51A, 54, 55 and 55A of the *Tenancy Act* are repealed.

(10) Section 55B of the *Tenancy Act* is amended by omitting subsection (1) and substituting the following:

"(1) A lessor must not –

(a) refuse to renew a lease of premises (whether or not the right to renew was a condition of the lease) for the reason that the lessee has joined or is or was a member of a body or association of persons the objects of which include the mutual advancement of their business interests, whether in relation to that business carried on on those premises or elsewhere;

(b) purport to exercise a power or right to terminate a lease of premises for the reason that the lessee has joined or is or was a member of a body or an association referred to in paragraph (a); or

(c) threaten or otherwise indicate that he or she will refuse to renew a lease of those premises if the lessee joins or becomes a member of such a body or association.

Penalty: 1000 penalty units."

Residential Tenancies (Consequential Amendments) Act 1999

(11) Sections 57, 58, 59, 60, 61, 64, 65, 66 and 67 of the *Tenancy Act* are repealed.

(12) Section 67A of the *Tenancy Act* is amended –

- (a) by omitting "(1) Subject" and substituting "Subject"; and
- (b) by omitting subsections (2) and (3).

(13) Schedule 4 to the *Tenancy Act* is repealed.

7. Amendment of *Trespass Act*

Section 14 of the *Trespass Act* is amended by omitting from paragraph (b)(i) "*Tenancy Act*" and substituting "*Commercial Tenancies Act* or the *Residential Tenancies Act*".

8. Amendment of *Unlawful Betting Act*

Section 9 of the *Unlawful Betting Act* is amended by omitting from subsection (2) "*Tenancy Act*" and substituting "*Commercial Tenancies Act* or the *Residential Tenancies Act*".

9. Amendment of *Valuation of Land Act*

Sections 8A and 8D of the *Valuation of Land Act* are amended by omitting from subsection (3) "fair rent under the *Tenancy Act*" and substituting "rent under section 43 of the *Residential Tenancies Act*".

ALTERATION TO SECTION HEADING

On the day on which the *Tenancy Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the heading to section 46 of the *Tenancy Act* is altered by omitting "NOT BEING A DWELLING-HOUSE".