

Serial 170  
Residential Tenancies (Consequential Amendments) Act 1999  
Mr Baldwin

**A BILL  
for  
AN ACT**

to amend various legislative provisions consequential on the enactment  
of the *Residential Tenancies Act 1999*

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

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No. of 1999

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# NORTHERN TERRITORY OF AUSTRALIA

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No. of 1999

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## AN ACT

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

[Assented to 1999]

[Second reading 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", "dwelling-house" and "periodical tenancy";
- (b) by omitting from subsection (1) the definition of "premises" and substituting the following:

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

- (c) by omitting from subsection (1) the definitions of "real estate agent", "Registrar", "security deposit", "shared accommodation" and "sub-let"; and
- (d) by omitting subsection (3).

(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 46 of the *Tenancy Act* is amended –

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- (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".

(8) Sections 47, 47A, 47B, 51, 51A, 54, 55 and 55A of the *Tenancy Act* are repealed.

(9) 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: 100 penalty units."

(10) Sections 57, 58, 59, 60, 61, 64, 65, 66 and 67 of the *Tenancy Act* are repealed.

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

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

(12) 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*".

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**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".