

## CLAUSE NOTES

### ***THE RESIDENTIAL TENANCY AMENDMENT BILL 2009***

**Clause 1            Short Title**

The Act is to be cited as the *Residential Tenancy Amendment Bill 2009*

**Clause 2            Commencement**

This Act commences on the day on which it receives Royal Assent or on the day before the *Residential Tenancy Amendment Act 2005* commences, whichever occurs first.

This provision ensures that this Act commences before the commencement of the *Residential Tenancy Amendment Act 2005*.

**Clause 3            Principal Act**

The Principal Act is the *Residential Tenancy Amendment Act 2005*.

**Clause 4            Section 14 amended (Schedule 3 inserted)**

Amends section 14 of the Principal Act – omits clauses 2, 3, 4 and 5 of Schedule 3 and:

- substitutes a new clause 2 of Schedule 3 which provides that security deposits held by owners in respect of a 'pre-existing residential tenancy agreement' (ie. those taken before the 1 July 2009 commencement date) need not be paid into the Rental Deposit Authority.
- Substitutes a new clause 3 of Schedule 3 which ensures that the existing powers of the Residential Tenancy Commissioner to determine disputes and the right of appeal under the *Residential Tenancy Act 1997* continue to apply to pre-existing residential tenancy agreements (ie. those taken before the 1 July 2009 commencement date).