



**Shane Rattenbury MLA**

Attorney-General

Minister for Consumer Affairs

Minister for Water, Energy and Emissions Reduction

Minister for Gaming

Member for Kurrajong

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Mr Tom Duncan  
Clerk  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Our ref: SUB22/6704

Dear Mr Duncan *Tom*

Thank you for your letter of 6 April 2022 regarding petition number 4-22, lodged by Mr Andrew Braddock MLA on behalf of the petitioners regarding a proposed amendments to the *Residential Tenancies Act 1997* (the Act) to include a 'wellbeing clause' for tenants. This letter is my response, pursuant to Standing Order 100.

The ACT Government notes the petitioners' concerns that under the current legislative framework, landlords and agencies are not obliged to consider the well-being of their tenants when making decisions about the tenancy arrangement. It is noted that the clause proposed for insertion in the Act includes a requirement for the landlord to compensate the tenant in the event that their decision, made lawfully under provisions of the Act, impacts the tenant in certain ways.


The ACT Government is committed to ensuring the rights and interests of tenants are adequately protected and has in recent years made a range of amendments to reform and modernise the Act so that tenancy laws are clearer, fairer and deliver better outcomes. The Government also has an ambitious program of reform for the 10<sup>th</sup> Parliamentary Assembly, including a commitment to end no cause terminations in the Territory, which is discussed in more detail below.

In undertaking reform to residential tenancy laws, it is important that the legitimate rights and interests of landlords, as well as tenants, are recognised and protected. This is a delicate balancing act and is one that is the subject of regular review and refinement by the Government. For instance, the rights of tenants to feel safe and secure in their homes must be balanced with the legitimate interests of landlords in managing their property. In doing so, the Act contains safeguards to ensure a tenants' right to quiet enjoyment is protected but also provides a framework for the landlord to


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have access to their property where required. In the event that these interests are not respected by one or both parties, the Act creates remedies for breach.

The suggested clause would constitute a significant burden on landlords as it requires them to compensate tenants in the event they wish to lawfully use or maintain their property in accordance with residential tenancy laws. Taking into consideration that the Act has been designed to manage the competing interests of both tenants and landlords as much as possible, the Government does not propose to include the suggested wellbeing clause in the Act.

While I do not recommend a clause of the kind proposed in the petition being included in the Act, the ACT Government is undertaking reforms to the Act this year which will strengthen the rights of tenants in other ways.

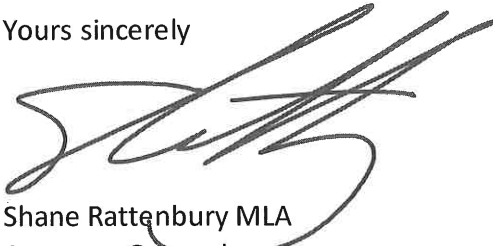
Under the Parliamentary and Governing Agreement, the Government has committed to removing the ability of a landlord to evict a tenant for no cause. This reform is being progressed through policy development stages, and amendments to the RTA to remove the no cause termination provision will be brought forward within the next 12 months. This reform will mean that landlords will only be able to terminate a periodic tenancy where there is an identified and genuine reason under the Act. This important reform will significantly increase security of tenure for renters in the ACT but does not completely remove a landlord's ability to use their property if they can establish one of the permitted grounds for termination.

In addition to this reform, the Government is also considering amendments to make it easier for tenants to grow food and compost, to regulate rent bidding, and to introduce a framework for the introductions of minimum housing standards.

Together, these reforms will strengthen tenant's rights in the Territory in a meaningful and measured way. As these reforms are progressed, I encourage Canberrans to have their say to ensure the final reforms reflect the needs of the ACT community.

More information about upcoming residential tenancy reforms can be found at <https://yoursayconversations.act.gov.au/expanding-rights-renters>.

Yours sincerely



Shane Rattenbury MLA  
Attorney-General

23/6/22