

THE RENTAL REPORT

A performance report on the
progress of A Better Deal for
Renters
August 2024



ABOUT NATIONAL SHELTER

NATIONAL SHELTER IS A NON-GOVERNMENT PEAK ORGANISATION THAT AIMS TO IMPROVE HOUSING ACCESS, AFFORDABILITY, APPROPRIATENESS, SAFETY AND SECURITY FOR PEOPLE ON LOW INCOMES.

Since 1975, National Shelter has been a trusted voice working towards influencing government policy and action. We raise community awareness about housing issues and illuminate the experience of low-income households within Australia's housing system.

National Shelter's aim is to work towards every Australian having access to housing that is:

- affordable – people should not be living in poverty after they have met their housing costs
- adequate – everybody is entitled to housing that meets basic standards of decency and their own basic needs
- secure – people should not live under a threat of loss of home and shelter
- accessible – access to housing should be free from discrimination and conform with universal design principles, at a minimum.
- in the right place – housing should be located close to transport, services and support networks, job opportunities, and social and leisure activities
- able to meet their lifecycle needs – people have different housing needs at different stages of their lives, and housing should be available to meet these changing needs

National Shelter is supported by the work of State Shelters and members in all jurisdictions, as well as national member organisations, associate members, and sponsors.

ABOUT THE NATIONAL ASSOCIATION OF RENTERS' ORGANISATION

THE NATIONAL ASSOCIATION OF RENTERS' ORGANISATIONS (NARO) IS A FEDERATION OF STATE AND TERRITORY BASED TENANTS' UNIONS AND TENANT ADVICE SERVICES ACROSS AUSTRALIA.

Our membership comprises Tenants Queensland, the Tenants' Union of New South Wales, the Tenants' Union of Tasmania, Tenants Victoria, Circle Green Legal Centre WA, and the Darwin Community Legal Service.

We are the country's leading voice representing the interests of people who rent their homes in our respective jurisdictions, and are experts in the application of residential tenancy law. Collectively, we resource, co-ordinate or directly provide advice regarding more than 80,000 tenancy issues each year.

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INTRODUCTION

In August 2023 National Cabinet met and agreed to deliver on a range of priorities for Australians, with a focus on more secure and affordable housing. This also included the Better Deal for Renters to ‘harmonise and strengthen renters’ rights across Australia’.

This report assesses the progress of the Better Deal for Renters by each State and Territory.

In the past 12 months States and Territories have been responding to the National Cabinet Better Deal for Renters with a range of rental reforms. This has included proposing and adopting legislation, as well as undertaking consultation for further reforms. While States and Territories have been consulting within their jurisdictions on rental reforms, the overall process of engagement nationally on the Better Deal for Renters has not been open and transparent.

The process is driven through the Housing and Homelessness Ministerial Council Meetings and senior officials, and has not engaged directly with peak bodies, advocates, and the sector more broadly. There has not been publicly available timeframes about how and when States and Territories will report their progress on the Better Deal for Renters.

This report provides an assessment from experts in the application of residential law. Collectively NARO resources, co-ordinates or directly provides advice regarding more than 80,000 tenancy issues each year. Further detail on the assessment process is on Page 3 of this report.

This report consolidates work undertaken by National Shelter and NARO collectively, as well as NARO individually for better rental regulations for the third of Australian’s who rent. This includes calling for Commonwealth leadership and national consistency to harmonise rental regulations in Australia as a key area of law reform to ensure renters have access to safe, affordable, and secure homes. This includes:

- [NARO National Nine - Principles for Strengthening Renters’ Rights](#) (2023)
- [Statement on the Worsening Rental Crisis in Australia](#) (2023)
- [Disrupted - The Consumer Experience of Renting in Australia](#) (2018)
- [Unsettled - Life in Australia’s Private Rented Market](#) (2017)
- [A Better Lease on Life - Improving Australian Tenancy Law](#) (2010)

WHAT IS THE BETTER DEAL FOR RENTERS?

THE BETTER DEAL FOR RENTERS INCLUDES:

- **DEVELOPING A NATIONALLY CONSISTENT POLICY TO IMPLEMENT A REQUIREMENT FOR GENUINE REASONABLE GROUNDS FOR EVICTION.**
- **MOVING TOWARDS LIMITING RENT INCREASES TO ONCE A YEAR.**
- **PHASING IN MINIMUM RENTAL STANDARDS.**

THE AIM OF THESE CHANGES WAS TO ‘MAKE A TANGIBLE IMPACT FOR THE ALMOST ONE-THIRD OF AUSTRALIAN HOUSEHOLDS WHO RENT’.

1. Develop a nationally consistent policy to implement a requirement for genuine reasonable grounds for eviction, having consideration to the current actions of some jurisdiction
2. Ensure provisions to allow appeals against retaliatory eviction notices are fit for purpose (e.g. evictions motivated by tenants taking reasonable action to secure or enforce legal rights, complain or disclose information about their tenancy).
3. Move towards a national standard of no more than one rent increase per year for a tenant in the same property across fixed and ongoing agreements.
4. Implement a ban on soliciting rent bidding.
5. Allow tenants experiencing domestic or family violence to:
 - a. End agreements without penalty and with a streamlined process and evidence e.g. a declaration by a prescribed professional such as a doctor or support service worker;
 - b. Change the locks and make security improvements without the landlord’s permission;
 - c. Have their name removed from databases due to property damage caused by family or domestic violence; and
 - d. With jurisdictions to consider further action to protect tenants who are victim survivors of domestic or family violence e.g. the ability to apply to have the perpetrator removed from the tenancy.
6. Limit break lease fees for fixed term agreements to a maximum prescribed amount which declines according to how much of the lease has expired (e.g. a maximum of four weeks’ rent if less than 25 per cent of the fixed term has expired).
7. Make rental applications easier and protect renters’ personal information:
 - a. Prescribe a rental application form in each jurisdiction, with required documents limited to two in each of the following categories: identity, financial ability to pay rent, suitability;
 - b. Require the destruction of renters’ personal information three years after a tenancy ends and three months after tenancy begins for an unsuccessful applicant;
 - c. Require tenants’ personal information to be provided and corrected within 30 days of a request by a tenant or prospective tenant; and
 - d. Specify information not allowed to be collected from a tenant or more generally (e.g. disputes with landlords).
8. Consider options for better regulation of short-stay residential accommodation.
9. Phase in minimum quality standards for rental properties (e.g. stovetop in good working order, hot and cold running water).

METHODOLOGY

To assess the progress of the Better Deal for Renters NARO members considered how their relevant jurisdiction had fared against the nine provisions the Better Deal. This included an assessment of their rental regulations in August 2023, and then in August 2024. The relevant elements were colour coded against progress.*



No progress made towards the reform. This includes public refusal by relevant government to consider the measure.



Has started to make some progress toward the reform but substantial work is still needed. Progress could include having commenced a consultation process with clear timeframes and agenda. This does not include only announcing consultation.

Have made changes to their regulatory regime but the changes fall well short of the National Cabinet reform agenda.



Have made considerable progress towards the reform. This could include legislation before the parliament that meets the National Cabinet reform agenda and is expected to be adopted.

Have adopted measures but these fall slightly short of the National Cabinet reform agenda.



Has adopted the reform as stated in the Better Deal for Renters










Has adopted a reform that exceeds the Better Deal for Renters

The table on the next two pages provides a clear, visual summary of the progress being made by States and Territories, illustrating the jurisdictions who have made little to no progress on meeting their National Cabinet commitments.

The Appendix provides further information and comparison on progress jurisdictions have made between August 2023 and August 2024. This is an acknowledgement that some jurisdictions were already delivering reforms that met the requirement of the Better Deal for Renters, and illustrates how far some jurisdictions have come to meet their obligations.

*Gradient colours were also used to indicate jurisdictions who were moving in the right direction.

PROGRESS ON DELIVERING A BETTER DEAL FOR RENTERS - ONE YEAR ON

	QLD	NSW	ACT	VIC	TAS	SA	WA	NT
Nationally consistent policy to remove 'no grounds' evictions	Yellow	Green	Green	Green	Yellow	Green	Red	Red
Fit for purpose appeals against retaliatory evictions	Green	Yellow	Green	Yellow	Yellow	Yellow	Yellow	Red
National standard of no more than one rent increase per year	Green	Green	Green 	Green	Green	Green	Green	Red
A ban on soliciting rent bidding	Green 	Green	Green	Green 	Green	Green 	Green	Green 
Support for tenants experiencing domestic or family violence	Green	Green	Green	Green 	Green	Green	Green	Green
Limit break lease fees for fixed term agreements	Green	Green	Green	Red	Red	Yellow	Red	Yellow
Make rental applications easier and protect renters' personal information	Green	Yellow	Red	Yellow	Red	Yellow	Red	Green
Options for better regulation of short stay residential accommodation	Yellow	Green	Yellow	Yellow	Yellow	Red	Yellow	Red
Phase in minimum rental housing standards	Yellow	Yellow	Green	Green 	Yellow	Yellow	Red	Red

SUMMARY OF PROGRESS

BELOW IS A SUMMARY OF THE PROGRESS BY AUSTRALIAN GOVERNMENTS ACROSS ALL JURISDICTIONS TOWARDS MEETING THE COMMITMENTS OUTLINED WITHIN THE NATIONAL CABINET'S BETTER DEAL FOR RENTERS:

Reasonable Grounds for Eviction

Over the past year, there has been notable movement towards eliminating 'no grounds' or no reason evictions, particularly in **NSW** and **South Australia**, which have both introduced or announced significant reforms. The **ACT** had already taken steps to ensure evictions are based on reasonable grounds. **Victoria** also had in place a reasonable grounds framework, though a loophole still remains allowing landlords to evict for no reason at the end of the first fixed term. Additionally issues around transition and the grandfathering of the application of reforms remain.

Queensland removed 'no grounds' terminations for periodic tenancies, but has retained the landlord's ability to terminate at the end of fixed-term tenancies for no reason. This aligns **Queensland** with **Tasmania**, who continue to allow 'no grounds' evictions for some renters. Both governments consider they have met the standard, but housing advocates point out that allowing 'no reason' evictions at the end of a fixed term agreement leaves a significant gap or loophole in protections for the majority of renters in both states.

The **Northern Territory** has adjusted notice periods, but still lacks any 'reasonable grounds' protections and the **Western Australia** government has made clear it will not be introducing reforms to introduce a reasonable grounds framework, despite its commitment to the Better Deal.

Retaliatory Eviction Provisions

Overall, progress towards ensuring provisions are 'fit for purpose' has been slow and uneven across jurisdictions.

While the **ACT** strengthened its provisions, and **Queensland** expanded protections in late 2023 to include retaliatory rent increases and lease renewals, other states have seen little to no progress. **New South Wales, South Australia, Tasmania** and **Victoria** continue to have inadequate provisions, with narrow scope and too much discretion left to the Tribunal.

Retaliatory Eviction Provisions (cont'd).

Western Australia introduced new retaliatory eviction protections in 2024, but concerns remain about accessibility and effectiveness due to the burden placed on tenants to initiate court proceedings and the lack of transparency without reported decisions or precedent. The **Northern Territory** still lacks any retaliatory eviction protections.

Limit on Rent Increases

Most jurisdictions already had limits in place in relation to the frequency of rent increases, but progress has been made in limiting these to once per year and closing loopholes.

Reforms introduced in **Queensland** and **Western Australia** bring them into alignment with national standards. **Victoria** applies the limit of one increase every 12 months within fixed term and periodic agreements. In **Queensland** the rule applies to the property rather than the tenancy, meaning rent cannot be raised within a 12-month period even if a tenant moves out.

However, gaps remain in the **Northern Territory**, where rent increases are still permitted every six months, and **NSW** is working to address loopholes.

Ban on Solicited Rent Bidding

As of August 2024, **Queensland** and **South Australia** have made notable advances in banning rent bidding, prohibiting both solicited and unsolicited rent bidding.

Victoria is currently working on extending its ban to unsolicited offers. **Tasmania**, **NSW**, and the **ACT** had already established bans on solicited bids in August 2023 but continue to leave open a gap in protections regarding unsolicited bids - though they have met the Better Deal commitment.

The **Northern Territory** and **Western Australia** introduced a ban on unsolicited bids in 2024, and like all Australian jurisdictions, they report they are facing challenges with enforcement.

Domestic and Family Violence Protections

Most jurisdictions already had provisions allowing tenants to terminate agreements, change locks, and address database issues, though the specifics and ease of these processes vary.

NSW, WA, Victoria, and **South Australia** offer strong protections with reasonably streamlined processes, while **Tasmania** and the **ACT** still require court orders for some measures. The **ACT** is currently consulting on reforms to address concerns about court order requirements.

Queensland and the **Northern Territory** have recently updated their legislation to enhance protections. Ongoing efforts are needed to ensure all jurisdictions provide comprehensive and accessible protections, and appropriate practical support for renters experiencing DFV.

Limits on Break Lease Fees

Progress on introducing fair limits on break lease fees across Australian jurisdictions has been limited, with reforms only occurring in a few states.

New South Wales has had a tiered system in place since March 2020. The **Northern Territory** implemented new rules in January 2024, capping break lease fees at a maximum of 4 weeks' rent if less than half of the tenancy remains, and 2 weeks' rent if more than half has elapsed.

In **Queensland**, legislation to limit break lease fees will commence at the end of September, while **South Australia** and **Victoria** maintain systems of mitigating loss but without statutory caps. **Tasmania** has acknowledged the need to address break lease fee limits but has yet to make substantial progress.

The **ACT** and **Western Australia** have made no changes in the past year.

Short-Stay Accommodation Regulation

Various Australian jurisdictions have started to address the regulation of short term rental accommodation (STRA).

NSW and **WA** have made the most progress, with **NSW** reducing STRA rental caps in specific locations and **WA** passing legislation to establish a registration system. **Victoria** announced a Short Stay Levy, though it has not yet restricted rental days.

Short-Stay Accommodation Regulation (cont'd).

Queensland has announced its intention for all STRA lettings to be registered. **ACT, Tasmania,** and **South Australia** have not implemented major reforms but are considering future regulations.

NT remains without specific regulations for short-term rental accommodation, despite the need for regulation considered urgent by housing advocates due to the high rates of homelessness and extended stays in short-stay or 'transitional accommodation'.

Minimum Quality Standards

In the past 12 months, most Australian jurisdictions have maintained existing minimum standards for rental properties, with limited changes.

Queensland will implement minimum standards for all tenancies by September 2024, though they remain basic and exclude energy efficiency. **South Australia** has tightened compliance requirements for minimum housing standards, though they still lack energy efficiency measures.

ACT and **Victoria** have shown the most progress, implementing various energy efficiency standards that go beyond the minimum standards flagged in the Better Deal and initiating consultations for further improvements.

Tasmania and **NSW** consider their work complete despite no energy efficiency standards, as well as gaps in relation to basic amenity and structural soundness remain. The **NT** and **WA** have yet to introduce substantial reforms.

Energy efficiency generally remains an overlooked area, with only the **ACT** and **Victoria** making any real headway in this regard.

SUMMARY OF PROGRESS OF THE BETTER DEAL FOR RENTERS

While progress has been made across various jurisdictions, significant work remains to fully deliver on the Better Deal for Renters. While there have been vital reforms implemented or announced to end no reason evictions in some states, important inconsistencies remain—particularly in NT, WA, Queensland and Tasmania, and reforms are still urgently required.

More broadly, while progress has been made across the states and territories, there appears to be varying degrees of urgency and commitment to meeting the standards.

WHAT IS MISSING FOR RENTERS? UNADDRESSED PRINCIPLES FROM THE 2023 NARO NATIONAL NINE REPORT

Fair rent increases

Although progress has been made nationally in addressing rental affordability (mainly by limiting the number of rent increases to once in 12 months in all jurisdictions but the **Northern Territory**), the amounts of rents charged remain unregulated in all jurisdictions but the **ACT**.

The existing formula in the **ACT** sets a limit of rent increases to 110% of the housing component of CPI, over which it is the landlord's responsibility to demonstrate and justify why the rent should be increased by that amount.

Across all other jurisdictions if renters wish to challenge their rent increases, it is their responsibility to bring the matter before the Tribunal or Court, which decides the matter based on a range of factors, primarily market value. Advocates would like to see a strengthening of current provisions, with fairer and more reasonable limits placed on the amount of any rent increase.

Generally existing rent regulation applies only during a tenancy, but over the last 12 months **Queensland** has introduced regulation of the frequency of rent increases that applies to the property (so during but also between tenancies). **Victoria** is also contemplating introducing a protection that would freeze rent between tenancies for a property where the landlord has evicted the previous tenancy for 'no reason'.

Security of rental bonds

The most significant change to the rental bonds regulation comes from **NSW**, where the government announced an investment of \$6.6 million to develop and deliver the nation's first Portable Rental Bonds Scheme, with anticipated implementation of the scheme in 2025.

The **Victorian** and **Queensland** governments have indicated the intention to also create a portable bond scheme, presumably similar to the one currently in development in **NSW**. As of September, **Queensland** will also require evidence of bond claims made by landlords to be provided within 14 days.

Across the rest of the country, **WA** passed a law streamlining bond release processes (to come into effect in January 2025). The rental policies of the incoming Country-Liberal government in the **NT** are unclear.

Advice and advocacy

Nationally, there has been no increase to funding of tenants' advice and advocacy services. Despite some modest and mostly one-off increases in some jurisdictions, overall funding for free tenancy advice and advocacy remains inadequate. Funding for tenants' advice and advocacy services has not adequately accounted for the growth in the number of renters across Australia. Services are stretched thin, facing significant pressure due to the increasing numbers of renters requiring but unable to access assistance due to resource constraints.

The National Association of Renters' Organisations is a federation of State and Territory-based Tenants' Unions and Tenant Advice Services across Australia that provides a renter-focused perspective on the current housing crisis' problems and solutions. It is currently unfunded, and therefore extremely constrained in relation to the advocacy it can undertake, limiting the ability of NARO to ensure that renters' voices and interests are adequately represented in the national conversation on housing policy.

National Shelter also remains unfunded by the Commonwealth and is equally constrained in its engagement with the sector and with government.

Universality of protections

Across jurisdictions there are still significant numbers of renters who are not provided protections and access to adequate dispute resolution through coverage under tenancy law. Many of these renters are in particularly vulnerable housing arrangements. Excluded groups can include boarders and lodgers, students, and residents in group homes.

There has been limited progress across jurisdictions over the last 12 months in providing basic protections for these renters. In **NSW**, the much anticipated reforms to the *Boarding House Act 2012* to expand coverage to provide protections and access to the Tribunal to all boarders and lodgers and those in other forms of shared accommodation arrangements are yet to be implemented. A relevant Bill is expected to be shared for public consultation in late 2024, with passage in Parliament sometime in 2025.

The **ACT** government is currently undertaking consultations aimed at strengthening protections for occupants in marginal tenures, with the prospect of including making termination of agreements a subject of ACT Civil and Administrative Tribunal's adjudication and introducing mandatory grounds for ending of all occupancy agreements.

Compliance and accountability

The current enforcement of residential rental laws relies heavily on renters, who have less power and are vulnerable to retaliation. Where there are provisions, inconsistency across jurisdictions results in significant inequities. Much more needs to be done to address this. Over the past 12 months, some jurisdictions have made efforts to strengthen their compliance and enforcement capacity.

In March 2024, the **Victorian** government announced a Rental Taskforce now in operation. It carries out random inspections of open inspections to check whether the premises offered for rent meet the minimum standards required by the RTA. In **South Australia**, penalties for breaches by landlords were strengthened and increased as of March 2024, including in cases of discrimination, misuse of the “vacant possession grounds” for eviction, and failure to provide at least one free method of rent payment. In **NSW** the government announced a commitment of \$8.4million over 4 years to establish a Rental Taskforce (investigators, inspectors and support teams) with a mandate to crack down on poor quality rental homes and landlords’ and agents’ bad behaviour.

Using data to inform policy

There is a lack of authoritative data on renting in Australia on which decision makers and analysts can draw. There are a range of data sets including the Australian Bureau of Statistics (ABS), Report on Government Services (RoGS), bond authorities, and rental data from a range of for-profit and not-for-profit organisations. However, these datasets are not comparable, not all are publicly available, and do not always answer key policy questions.

All States and Territories should develop and implement data collection practices that can be used to review progress. Implementing a bond exit survey in each state and territory to measure the reasons tenancies end, and the length and rent changes within a tenancy. Data should be generally released with appropriate de-identification, on an open data basis to allow researchers and community to study and offer solutions.

National Coordination of Rental Reforms

There remains an urgent need for the Commonwealth to lead and coordinate national rental reform to deliver consistency to protect renters. While the Commonwealth, along with State and Territory governments, have made significant commitments to the funding of new public and social housing to address the housing crisis, changes are still needed make market fair, affordable, safe, and secure for renters.

This report demonstrates that tenancy legislation is a matter for State and Territory governments, there remains considerable variations and inequities across jurisdictions that can still harm renters. Tenancy law in Australia must be consistent. No Australian should be disadvantaged by the jurisdiction in which they live.

The Commonwealth, States and Territories must continue to work together to develop a national consultative framework and plan for further rental reform. This plan must include a dedicated working group comprised of not only officers from the relevant jurisdictions but also advocates, experts, and consumers. It should be a transparent process that reports regularly and publicly.

APPENDIX: FURTHER DETAIL ON PROGRESS ACROSS AUSTRALIAN JURISDICTIONS - AUGUST 2023 VS AUGUST 2024

Reasonable grounds eviction framework

Develop a nationally consistent policy to implement a requirement for genuine reasonable grounds for eviction, having consideration to the current actions of some jurisdiction.

Australian Capital Territory

- **August 2023** - ACT removed no-cause terminations in April 2023, meaning reasonable grounds must be used for evictions. No grounds are allowed for ending a tenancy at the end of a fixed-term agreement.
- **August 2024** - No change. ACT continues to enforce reasonable grounds for evictions, with additional protections in place.

New South Wales

- **August 2023** - The *Residential Tenancies Act 2010* allows "no grounds" evictions for both periodic and fixed-term tenancies.
- **August 2024** - The NSW Government announced reforms to remove "no grounds" evictions for periodic tenancies and at the end of fixed-term tenancies, with implementation expected by early 2025. The reforms will introduce reasonable grounds including significant repairs or renovations, change of use and owner or their family moving in.

Northern Territory

- **August 2023** - No provisions for reasonable grounds evictions. Without grounds terminations allowed with 42 days' notice for periodic tenancies and 14 days for fixed-term tenancies.
- **August 2024** - No major changes to "reasonable grounds" provisions, but notice periods for no grounds terminations increased to 60 days for tenancies commencing after January 2024.

Queensland

- **August 2023** - Legislation to remove no grounds terminations passed but not yet commenced. Without grounds terminations still exist for periodic and fixed-term tenancies.
- **August 2024** - No grounds notices to leave were removed in October 2023 for periodic tenancies, but the ability to terminate at the end of fixed-term tenancies was retained, effectively reinstating a form of no-cause eviction.

Reasonable grounds eviction framework (cont'd)

South Australia

- **August 2023** – No grounds evictions permitted with 90 days' notice for periodic tenancies.
- **August 2024** – New reforms passed in November 2023, effective July 2024, remove no cause evictions and require landlords to demonstrate reasonable grounds, such as property sale, renovations, or landlord occupancy.

Tasmania

- **August 2023** – No cause evictions are not allowed for periodic agreements but are permitted for fixed-term agreements. Most renters in Tasmania are on fixed-term agreements.
- **August 2024** – No changes planned. The Tasmanian Government considers their laws already compliant, as periodic tenants are protected, and fixed-term leases can end at the expiration date.

Victoria

- **August 2023** – No grounds evictions removed in March 2021. Reasonable grounds are required for any eviction, including for sales, renovations, or landlord occupancy. A "reasonable and proportionate" test applies to possession orders.
- **August 2024** – The Victorian Government announced in its Housing Statement at the end of 2023 that it plans to restrict rent increases if a rental provider evicts a tenant from a first fixed term tenancy to discourage no fault evictions in these circumstances. Advocates remain concerned about the renters for whom the reasonable grounds framework does not apply due to the transition provisions of earlier reforms.

Western Australia

- **August 2023** – No provisions for reasonable grounds evictions. Without grounds terminations allowed with 60 days' notice for periodic tenancies and 30 days for fixed-term tenancies.
- **August 2024** – No progress on removing no grounds terminations. The current government has refused to introduce reforms in this area, leaving without grounds evictions intact.

Retaliatory eviction provisions

Develop a nationally consistent policy to implement a requirement for genuine reasonable grounds for eviction, having consideration to the current actions of some jurisdiction.

Australian Capital Territory

- **August 2023** – ACT had provisions allowing tenants to challenge retaliatory evictions, with recent enhancements to strengthen these provisions.
- **August 2024** – Further strengthening of provisions at the ACT Civil and Administrative Tribunal (ACAT) to challenge retaliatory evictions. Provisions are now more robust and effective.

New South Wales

- **August 2023** – NSW has a retaliatory eviction provision, but it is not considered fit for purpose. The Tribunal's discretion limits its effectiveness, and reform is needed, including broader factors for the Tribunal to consider and shifting the onus of proof to the landlord.
- **August 2024** – No change. The provision remains inadequate. Announced reforms to "no grounds" evictions may reduce the need for this safeguard, but stronger retaliatory eviction provisions are still necessary.

Northern Territory

- **August 2023** – NT has no provision allowing tenants to challenge retaliatory evictions.
- **August 2024** – No change. NT still lacks retaliatory eviction provisions.

Queensland

- **August 2023** – Queensland has provisions allowing tenants to challenge retaliatory evictions, but enforcement remains difficult, particularly when landlords use the "end of a fixed term" to terminate tenancies.
- **August 2024** – Retaliatory eviction protections were expanded in October 2023. It is now unlawful to impose retaliatory rent increases or refuse to renew fixed-term agreements in retaliation for tenant actions, such as seeking repairs or enforcing rights.

Retaliatory eviction provisions (cont'd)

South Australia

- **August 2023** – South Australia has provisions under Division 4A of the Residential Tenancies Act to address retaliatory behaviour, but their narrow scope and Tribunal discretion limit their effectiveness.
- **August 2024** – No change. Provisions remain narrow and ineffective, similar to those in NSW.

Tasmania

- **August 2023** – Tasmania does not have specific provisions for retaliatory evictions. However, the government argues that retaliatory evictions are minimized by the absence of "no cause" evictions for periodic tenancies.
- **August 2024** – No change. The Tasmanian Government believes retaliatory eviction issues are already resolved due to the absence of "no cause" evictions, but no specific provisions have been added.

Victoria

- **August 2023** – Victoria has limited retaliatory eviction provisions. The drafting is unclear and only applies in restricted circumstances, making the law less effective.
- **August 2024** – No change. The limited provisions remain, with no reform to improve clarity or scope.

Western Australia

- **August 2023** – WA has provisions for challenging retaliatory evictions, but only for without grounds terminations of periodic tenancies. No consistency in application or precedent exists.
- **August 2024** – A new law passed in April 2024 (effective May 2024) introduces sections 26A and 26B of the Residential Tenancies Act. These provisions define retaliatory actions by landlords and give tenants the right to seek relief in the Magistrates Court. However, tenants must initiate legal action, and lack of reported decisions or precedent may deter them from pursuing claims.

Limits on rent increases - 1 per year

Move towards a national standard of no more than one rent increase per year for a tenant in the same property across fixed and ongoing agreements.

Australian Capital Territory

- **August 2023** – Rent increases limited to once every 12 months unless a new tenancy agreement is signed. A formula linked to the CPI for ACT rental properties (110%) defines excessive increases, and landlords must seek approval from the ACT Civil and Administrative Tribunal (ACAT) for increases above the prescribed amount.
- **August 2024** – Progress continues with the introduction of a rent increase calculator accessible online to assist tenants in verifying compliance with the legislated formula.

New South Wales

- **August 2023** – Rent increases are limited to once every 12 months for periodic tenancies, but fixed-term agreements under two years may include more frequent increases. No clear definition of what constitutes an excessive rent increase.
- **August 2024** – The NSW Government consulted on closing loopholes that allow landlords to avoid the limit by switching tenants from periodic to fixed-term agreements. A reform bill is expected by the end of 2024.

Northern Territory

- **August 2023** – Rent can be increased every six months with 30 days' notice. No clear definition of what constitutes an excessive increase.
- **August 2024** – No change.

Queensland

- **August 2023** – Rent increases are permitted every six months.
- **August 2024** – From June 2024, rent increases are limited to once every 12 months. The rule applies to the property rather than the tenancy, meaning rent cannot be raised within a 12-month period even if a tenant moves out.

Limits on rent increases - 1 per year (cont'd)

South Australia

- **August 2023** - Rent increases are limited to once every 12 months unless the tenant consents to a second increase. The onus is on the tenant to challenge any excessive increase.
- **August 2024** - Reforms passed at the end of 2023, removing the provision allowing multiple increases per year with tenant consent. Rent can now only be increased once per year.

Tasmania

- **August 2023** - Already compliant. Rent increases are limited to once every 12 months with 60 days' notice. The onus is on tenants to challenge increases.
- **August 2024** - No change

Victoria

- **August 2023** - Rent increases limited to once every 12 months, with 60 days' notice required. No increases are allowed during fixed-term agreements unless included in the agreement. Tenants must challenge excessive increases.
- **August 2024** - No changes. The existing framework remains in place with the same protections and limitations.

Western Australia

- **August 2023** - Rent increases allowed every six months, with 60 days' notice required. A proposed change to 12-month intervals was under review.
- **August 2024** - Reforms passed in April 2024, limiting rent increases to once every 12 months. The new law clarifies that extended or renewed fixed-term tenancies count as a continuation for the purposes of calculating rent increase intervals, preventing landlords from circumventing the 12-month rule.

Protections against rent bidding

Implement a ban on soliciting rent bidding.

Australian Capital Territory

- **August 2023** – A ban was in place with penalties for soliciting rent bids. However, tenants were still offering higher rates, leading to ongoing issues with rent bidding.
- **August 2024** – No change. The law remains silent on rent bidding when initiated by applicants.

New South Wales

- **August 2023** – Landlords, agents and third parties such as listings sites must advertise properties at a fixed price and are prohibited from soliciting higher rent offers under Section 22A of the *Residential Tenancies Act 2010*. Regulations were first introduced in December 2022 for agents before extending by legislation to all participants in August 2023.
- **August 2024** – No change. Fair Trading (regulator) have escalated their monitoring and enforcement activity in relation to rent bidding. Housing advocates call for further protections to disallow landlords or agents from entering into agreements for rent higher than the advertised price, addressing both solicited and unsolicited rent bidding.

Northern Territory

- **August 2023** – Plans were underway to introduce a ban on rent bidding by October.
- **August 2024** – Rent bidding was banned in 2024. Landlords cannot charge higher rent than initially offered or advertised, unless additional services/benefits are included. To increase the rent legally, landlords must remove the property from the market for at least a month before re-advertising.

Protections against rent bidding (cont'd)

Queensland

- **August 2023** – Rent bidding was prohibited, though subtle encouragement by landlords and their agents for applicants to increase offers persisted, and landlords could accept higher rents.
- **August 2024** – A complete ban on all forms of rent bidding was introduced in June 2024. Landlords and agents cannot accept offers higher than the advertised rent, and no additional rent in advance can be accepted beyond the prescribed length of time.

South Australia

- **August 2023** – Reforms were planned to ban rent bidding.
- **August 2024** – Rent bidding was banned from 1 September 2023. Landlords and agents must advertise properties at a fixed price and are prohibited from soliciting or accepting offers for higher rent.

Tasmania

- **August 2023** – Rent bidding was already banned. However, as in other jurisdictions, the law does not address situations where renters offer to pay more than the advertised rent.
- **August 2024** – No change.

Victoria

- **August 2023** – Section 30F(3) of the RTA prohibited soliciting rent bids, with penalties of 60 penalty units for individuals and 300 for corporate bodies.
- **August 2024** – In September 2023, the government announced plans to further legislate and make it an offence to accept bids for higher rent. This legislation is under development.

Western Australia

- **August 2023** – Rent bidding was not banned, though proposed changes were announced in the ongoing review of the Residential Tenancies Act (RTA).
- **August 2024** – Reforms passed in April 2024, making it unlawful to solicit rent bids. Landlords and agents must advertise properties at a fixed rent, and penalties are in place for violations.

Domestic and family violence protections

Allow tenants experiencing domestic or family violence to:

- End agreements without penalty and with a streamlined process and evidence e.g. a declaration by a prescribed professional such as a doctor or support service worker;
- Change the locks and make security improvements without the landlord's permission;
- Have their name removed from databases due to property damage caused by family or domestic violence; and
- With jurisdictions to consider further action to protect tenants who are victim survivors of domestic or family violence e.g. the ability to apply to have the perpetrator removed from the tenancy.

Australian Capital Territory

- **August 2023** – Protections provide that tenants experiencing DFV can: end agreements without penalty with court orders; change locks with court order; remove their name from databases with court orders; remove the perpetrator from the tenancy.
- **August 2024** – Proposed changes to align with Victorian standards and improve support for tenants. Under proposed reforms (still being consulted on) tenants will be able to terminate agreements or be removed from leases with the evidentiary requirement being a letter from a practitioner confirming disclosure or support has been provided.

New South Wales

- **August 2023** – Protections provided at part 3A of the *Residential Tenancies Act 2010*. Since 2019 tenants experiencing DFV can: end agreements without penalty; change locks and make security improvements without landlord's permission; have their name removed from databases due to property damage caused by domestic violence; apply to remove the perpetrator from the tenancy.
- **August 2024** – Statutory review of provisions ongoing, focusing on bond release and liability protections. The review report has been delayed.

Domestic and family violence protections (con'td)

Northern Territory

- **August 2023** – Consulting on protections
- **August 2024** – New DFV protections introduced in January 2024 strengthen and streamline existing measures ensuring tenants experiencing DFV can terminate agreements without penalty; change locks with landlord's permission (unless landlord is perpetrator); remove their name from databases with application to NTCAT; access additional protections for hardship and privacy.

Queensland

- **August 2023** – Protections provide that tenants experiencing DFV can end agreements without penalty with evidence; have their name removed from databases due to property damage caused by domestic violence; apply to remove the perpetrator from the tenancy. Tenants cannot make security improvements without landlord's permission – this is under review.
- **August 2024** – Reforms introduced have improved confidentiality protections for people ending their tenancy due to DFV.

South Australia

- **August 2023** – Tenants experiencing DFV can end agreements without penalty with evidence; change locks without landlord's permission with prescribed evidence; have their name removed from databases with SACAT's authority; apply to remove the perpetrator from the tenancy with SACAT's intervention.
- **August 2024** – Significant reforms implemented from July 2024, simplifying processes and increasing protections – including removing the requirement for a tenant to apply to SACAT to end tenancy, and making bond refund easier.

Domestic and family violence protections (cont'd)

Victoria

- **August 2023** – Existing protections provide that tenants experiencing DFV can: end agreements without penalty with evidence; change locks and make security improvements without landlord's permission; have their name removed from database for breaches due to domestic violence; apply to remove the perpetrator from the tenancy.
- **August 2024** – All protections in place, with fast-tracked Tribunal hearings for family violence applications.

Western Australia

- **August 2023** – Existing protections provide that tenants experiencing DFV can: end agreements without penalty with evidence; change locks and make security improvements without landlord's permission; have their name removed from database for breaches due to domestic violence; apply to remove the perpetrator from the tenancy.
- **August 2024** – Statutory review concluded with no major recommendations in relation to these provisions; protections remain as implemented in 2019. Significant gaps in effectiveness particularly around apportionment of liability, because of limited scope of available provisions and lack of awareness.

Fair limits on break lease fees

Limit break lease fees for fixed term agreements to a maximum prescribed amount which declines according to how much of the lease has expired (e.g. a maximum of four weeks' rent if less than 25 percent of the fixed term has expired).

Australian Capital Territory

- **August 2023** – A break fee system is in place that follows the percentage of the lease expired. However, issues persist regarding its interpretation.
- **August 2024** – No change.

New South Wales

- **August 2023** – Section 107 of the *Residential Tenancies Act 2010* sets a tiered break fee for fixed-term agreements of up to three years, with fees declining as the lease progresses (starting at 4 weeks' rent if less than 25% of the lease has expired, down to 1 week's rent if 75% or more of the lease has expired).
- **August 2024** – No change.

Northern Territory

- **August 2023** – No break lease fee limit.
- **August 2024** – Reforms introduced in January 2024. The break lease fee is capped at 4 weeks' rent if less than half of the tenancy has expired, and 2 weeks' rent if half or more of the tenancy has elapsed. Transitional provisions have already raised a number of questions, with one substantive decision has been made by NTCAT regarding the new provisions.

Queensland

- **August 2023** – No break lease fee system in place as of August 2023.
- **August 2024** – The law passed to limit break lease fees will commence at the end of September, 2024. Proclamation is expected to occur soon, which will commence provisions.

Fair limits on break lease fees (cont'd)

South Australia

- **August 2023** – No specific break lease fee formula. The tenant is liable for the landlord's loss, but the landlord must mitigate that loss by attempting to re-let the property as soon as possible. Fees are calculated via a formula but are not capped by statute.
- **August 2024** – No changes

Tasmania

- **August 2023** – No break lease fee limit. Tenants remain liable for rent until the lease ends or a new tenant is found. Tenants may also be responsible for advertising costs. Landlords must mitigate their loss by attempting to relet the property quickly.
- **August 2024** – The Tasmanian government acknowledges that work is required to introduce break lease fee limits.

Victoria

- **August 2023** – No formal break lease fee limit in place. Lease break costs are determined by case law, with landlords required to mitigate their loss. Costs include lost rent, reletting fees, and advertising, but no numeric formulas apply. Special exemptions exist for family violence victims (s 91X(3)) and in special circumstances (s 91ZB(5)).
- **August 2024** – No change.

Western Australia

- **August 2023** – No break lease fee limit.
- **August 2024** – No changes regarding break lease fees. The 2024 RTA amendments did not introduce any relevant provisions.

Protect renters' privacy

Make rental applications easier and protect renters' personal information:

- *Prescribe a rental application form in each jurisdiction, with required documents limited to two in each of the following categories: identity, financial ability to pay rent, suitability;*
- *Require the destruction of renters' personal information three years after a tenancy ends and three months after tenancy begins for an unsuccessful applicant;*
- *Require tenants' personal information to be provided and corrected within 30 days of a request by a tenant or prospective tenant; and*
- *Specify information not allowed to be collected from a tenant or more generally (e.g. disputes with landlords).*

Australian Capital Territory

- **August 2023** – No privacy restrictions in place regarding tenant applications or information collection.
- **August 2024** – No changes or new restrictions.

New South Wales

- **August 2023** – Non-binding privacy guidance issued by Fair Trading NSW. Ongoing consultation regarding privacy protections for renters.
- **August 2024** – Announcement of reforms anticipated by the end of 2024 following consultations with the Rental Commissioner and Industry Reference Group.

Northern Territory

- **August 2023** – No restrictions on information collection or privacy.
- **August 2024** – Significant reforms introduced in January 2024. Landlords are limited in the information they can request, focusing only on identity, ability to pay, and ability to care for the property. Unsuccessful applicants' information must be destroyed within 5 business days, and all records within 3 years. Landlords must protect against misuse or unauthorised access of tenant information.

Protect renters' privacy (cont'd)

Queensland

- **August 2023** – No privacy restrictions in place.
- **August 2024** – Laws passed and expected to commence in May 2025, including limits on the questions and evidence that can be requested from tenants, restrictions on storing information for more than 3 months for unsuccessful applicants, and 7 years for successful tenants.

South Australia

- **August 2023** – No restrictions on renters' personal information.
- **August 2024** – From September 2023, landlords and agents are restricted in the information they can request, such as involvement in legal disputes, financial details, social media content, and more. Full compliance is expected by August 2024.

Tasmania

- **August 2023** – No restrictions on the information requested from renters, or its use and retention.
- **August 2024** – No reforms yet introduced, with the government acknowledging that it has "work to do" in this area. No time limits on storing applicants' information, and no prescribed rental application form.

Victoria

- **August 2023** – Limited restrictions on questions asked during the rental application process, but no comprehensive privacy protections.
- **August 2024** – While no new laws have been enacted, reforms to standardize rental applications and limit data retention were announced in September 2023. These reforms are still under development.

Western Australia

- **August 2023** – No restrictions on what information can be collected or retained by landlords.
- **August 2024** – No new privacy provisions introduced as part of the 2024 RTA changes.

Regulation of short-stay residential accommodation

Consider options for better regulation of short-stay residential accommodation.

Australian Capital Territory

- **August 2023** - The Better Regulation Taskforce reviewed the regulation of short-term rental accommodation (STRA) in 2022, with completion due by the end of 2023.
- **August 2024** - The ACT Government is considering the findings of the taskforce review and developing a response to an Assembly Motion regarding the impact of STRA on long-term rental prices and availability.

New South Wales

- **August 2023** - STRA hosts are required to register their properties, follow a Code of Conduct, and meet fire safety standards. Planning regulations include a 180-day limit for non-hosted STRA, with some location-based exemptions and a 21-day exemption for longer bookings.
- **August 2024** - In September 2023, the day limit cap for non-hosted STRA in Byron Bay was reduced to 60 days due to local pressure. In early 2024, the NSW Government consulted on potential changes to lower day caps further and introduce revenue measures (e.g., levies, day fees, or land tax) to encourage long-term rentals. No major regulatory changes have been announced or implemented yet, despite significant housing challenges.

Northern Territory

- **August 2023** - No specific regulations for STRA.
- **August 2024** - No updates; STRA remains unregulated

Queensland

- **August 2023** - No regulations for short-term rental accommodation.
- **August 2024** - The Queensland Government announced plans to introduce a register of short stay providers. This marks the first step toward regulating the sector.

Regulation of short-stay residential accommodation (cont'd)

South Australia

- **August 2023** – No formal regulations in place for STRA.
- **August 2024** – Some local councils are considering higher rates and tighter regulations for short-term accommodation providers. No state-level legislation has been introduced yet.

Tasmania

- **August 2023** – Tasmania's Short Stay Accommodation Act 2019 monitors the impact of short-term rentals on local markets by providing data to local councils for regulatory purposes.
- **August 2024** – The Tasmanian Government has acknowledged that further work is needed to regulate STRA, though no specific reforms have been introduced.

Victoria

- **August 2023** – No regulations in place for short-term rental accommodation.
- **August 2024** – The Victorian Government announced the introduction of a Short Stay Levy, a 7.5% tax on the revenue generated by short-stay platforms, set to begin on 1 January 2025. However, no restrictions on the number of rental days have been introduced.

Western Australia

- **August 2023** – No regulations for short-term rental accommodation.
- **August 2024** – The *Short-Term Rental Accommodation Act 2024* was passed, establishing a registration system for STRA. Registration opened in July 2024 and will become mandatory from January 2025, with a \$250 annual fee after an initial free registration period. From 2025, it will be illegal to advertise unregistered STRA properties, with a public register and heat map of registered properties to be published later in 2025. Further regulations regarding the number of rental days are still being discussed but have not yet been announced.

Minimum quality standards

Phase in minimum quality standards for rental properties (e.g. stovetop in good working order, hot and cold running water).

Australian Capital Territory

- **August 2023** - The ACT had one minimum standard relating to energy efficiency (ceiling insulation). More standards were expected, and premises had to be habitable at the start of the tenancy.
- **August 2024** - No additional legislated standards yet, but a consultation process is underway to gather feedback on a proposed list of minimum standards, including water and energy efficiency, fixed heating and cooling, and transitioning from gas appliances. The government is seeking community input on these proposed changes.

New South Wales

- **August 2023** - No specific minimum standards beyond the requirement for landlords to maintain premises in reasonable repair and make them fit for habitation. Seven general standards clarifying the definition of "fit for habitation" were set out in the Residential Tenancies Act (RTA), but these did not include energy efficiency standards.
- **August 2024** - No changes in minimum standards. The same requirements for reasonable repair and habitability remain in place.

Northern Territory

- **August 2023** - No specific minimum standards existed, though landlords were required to keep premises in reasonable repair and ensure they were habitable. The Santa Teresa decision was anticipated to influence future changes.
- **August 2024** - No changes to minimum standards following the High Court decision. The NT still lacks legislated minimum quality standards.

Queensland

- **August 2023** - Landlords were required to provide premises in good repair and fit to live in. Minimum standards were set to commence on 1 September 2023 for new tenancies and from 1 September 2024 for all tenancies, but these standards did not include energy efficiency.
- **August 2024** - No changes in minimum standards since August 2023. The same basic standards apply, with full implementation expected in September 2024.

Minimum quality standards (cont'd)

South Australia

- **August 2023** – Landlords had to provide and maintain premises in reasonable repair. Minimum housing standards under the Housing Improvement Act 2016 existed but did not cover energy efficiency or thermal comfort.
- **August 2024** – From 1 July 2024, landlords must ensure compliance with prescribed minimum housing standards ready for tenant occupation. However, no energy efficiency or thermal comfort provisions have been introduced.

Tasmania

- **August 2023** – Tasmania was the first to introduce minimum standards, covering weatherproofing, structural integrity, cleanliness, and various facilities. No specific energy efficiency standards were included.
- **August 2024** – The Tasmanian Government considers its work complete, affirming that all rental properties must meet minimum standards at the start of a tenancy, with no new changes introduced since August 2023.

Victoria

- **August 2023** – Minimum standards existed, including requirements for good repair and habitability. However, energy efficiency standards were not part of the regulations, though thermal comfort improvements like wall and ceiling insulation were suggested.
- **August 2024** – Consultations are ongoing for introducing new standards, including mandatory fixed cooling units, higher energy, and water efficiency requirements. These changes reflect Victoria's effort to enhance existing standards to address energy efficiency.

Western Australia

- **August 2023** – WA did not have specific minimum standards beyond the general obligation to maintain premises in reasonable repair and cleanliness.
- **August 2024** – No relevant changes to minimum standards were introduced as part of the 2024 Residential Tenancies Act amendments.



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