



# Victoria Government Gazette

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## Subordinate Legislation Act 1994

### NOTICE OF DECISION

#### Residential Tenancies Act 1997

As Minister responsible for the **Residential Tenancies Act 1997** (the Act), I give notice under section 12 of the **Subordinate Legislation Act 1994** that further to public consultation on a regulatory impact statement (RIS), I have decided to recommend the making of the Residential Tenancies Regulations 2021 (the proposed Regulations). These will replace the Residential Tenancies Regulations 2019.

The Proposed Regulations prescribe matters authorised or required to be prescribed under the Act following the commencement of the **Residential Tenancies Amendment Act 2018**. They prescribe details necessary to support the Act, including:

- terms which are prohibited from being included in a residential rental agreement, rooming house agreement, caravan park agreement and Part 4A site agreement;
- questions that rental providers (landlords), rooming house operators, caravan park owners and Part 4A site owners cannot ask applicants;
- information that must be disclosed before an applicant enters into a residential rental agreement or Part 4A site agreement, or prior to granting a rooming house or caravan park residency right;
- prescribed safety-related activities which clarify the safety maintenance obligations for renters and rental providers under a residential rental agreement;
- modifications renters can make to rental properties without consent or which the rental provider cannot unreasonably refuse;
- rental minimum standards for rental properties;
- updates to forms and notices for all tenure types.

An exposure draft of the proposed Regulations and the RIS were released for public consultation on the Engage Victoria website between 12 November 2019 and 18 December 2019. More than 700 written submissions were received from the Victorian community. These came from a diverse range of individuals and groups, including renters, rental providers, industry groups and advocates.

In response to feedback in the submissions, I intend that the final form of the Regulations will include the following changes since the exposure draft:

- *Compensation for sales inspections* – a minimum of \$30 compensation is required to be paid per inspection.
- *Temporary crisis accommodation (TCA)* – following public feedback, amendments have been made to the definition. Legislative amendments are also under consideration in Parliament, to respond to concerns from members of the public.
- *Information that cannot be requested from applicants* – prohibitions on requesting a passport, or about nationality status have been removed, and a prohibition has been included on asking about protected attributes under the **Equal Opportunity Act 2010** unless a written reason for the question is provided.
- *Information that a rental provider must disclose* – additional requirements for disclosure have been included at the request of renters.
- *Modifications that do not require consent* – additional modifications have been included for renter safety and thermal comfort.

**SPECIAL**

- *Modifications that cannot be unreasonably refused* – additional modifications have been included including painting and modifications to secure external gates.
- *Prohibited terms in rental agreements* – some prohibited terms have been clarified and additional prohibited terms have been included.
- *Gas and electricity safety checks* – the meaning of a ‘gas safety check’ and ‘electrical safety check’ has been defined to ensure that rental providers understand their safety maintenance obligations.
- *Ventilation* – a new rental minimum standard has been developed for ventilation.
- *Heating* – the energy efficiency (2 star) heating rental minimum standard has been extended to Class 2 rental properties (apartments) unless the rental provider can prove it would be unreasonable in terms of technical, cost or Owners Corporation requirements to install an energy efficient heater.
- *Liquefied petroleum gas (LPG) heating* – LPG heaters will meet the heating rental minimum standard, and 2 star LPG heaters will meet the energy efficiency (2 star) heating rental minimum standard.

After the proposed Regulations are made, they will become available for download from [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

A copy of this notice, the submissions and a Statement of Reasons summarising the issues raised in submissions and the reason for the final form of the Regulations will also be published on the Engage Victoria website: <https://engage.vic.gov.au/rentingregulations>

HON. MELISSA HORNE MP  
Minister for Consumer Affairs,  
Gaming and Liquor Regulation

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