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Important Reminder: Prescribed leases

The Department of Commerce is aware there is some confusion in the industry regarding the use of the prescribed lease form for written tenancy agreements which is mandatory from 1 July 2013.

All written residential tenancy agreements (fixed-term or periodic) that commence after 1 July 2013 **must** be in the prescribed (standard) tenancy agreement (Form 1AA).

The Department is aware some property managers are using old tenancy forms for leases starting on or after 1 July 2013. In order to comply with the *Residential Tenancies Act 1987* (RT Act), these agreements will need to be withdrawn and new prescribed forms will need to be signed.

Copies of the new [prescribed tenancy agreement](#) can be downloaded from the Department's website.

The clauses in Part A and Part B cannot be changed or deleted. However additional clauses can be inserted into Part C, but they must not contravene the provisions of the RT Act and must comply with the unfair contract terms provisions of the *Fair Trading Act 2010*. Tenants can therefore agree to have clauses added as long as they don't change their rights.

Please note, existing agreements may contain provisions which contract out of some of the sections listed in s.82.(3) of the RT Act (as it existed prior to 1 July 2013). In these situations, the provision will remain for the remainder of the term of that agreement.

For further information about unfair contract terms, please ring the Department's Advice Line on 1300 30 40 54.

More information on managing properties after 1 July 2013 can be found in the Department's publication [Renting out your property: A lessor's guide](#), and on its [website](#).