# Detailed Reference Guide 5: False, misleading or deceptive representations

This reform starts on 29 March 2021.

## New requirements

A private rental provider and their private agent will be prohibited from inducing someone to enter a rental agreement by engaging in conduct that is misleading or deceptive, or that is likely to mislead or deceive.

Also, the rental provider and their agent must not induce a person into entering a rental agreement by making false or misleading statements about:

* the rental provider's interest in the land
* the rent payable under the agreement
* the location of the premises to be let under the agreement
* the characteristics of the premises to be let under the agreement
* the use to which the premises to be let under the agreement are capable of being put or may lawfully be put
* the existence or availability of facilities associated with the premises to let under the agreement.

The requirement applies to a rental provider who is not acting in trade or commerce (i.e. operating a business) and their agent who is not acting in trade or commerce.

## Previous requirements

No prohibition existed on private rental providers and their private agents inducing someone to enter a rental agreement by engaging in conduct that is misleading or deceptive, or that is likely to mislead or deceive. This is because the Australian Consumer Law (ACL) does not apply to a private rental provider and their private agent if they are not acting in trade or commerce.

Commercial agents were covered, and remain covered, because the new provision does not limit the application of the ACL.

## Relevant legislation in the *Residential Tenancies Act 1997*

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| 30E | Misleading or deceptive conduct inducing a person to enter a residential rental agreement |

Note: This was Reform 12 in the Fairer Safer Housing review.