



5 August 2024

Members of the House of Assembly  
Parliament House  
Tasmania 7000

To all members of the House of Assembly,

**Re: Proposed amendments to the Residential Tenancy Act 1997**

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We welcome the tabling of the Residential Tenancy Amendment Bill 2024 and its recognition that renters should not have to choose between a place to live and the pet they love. We also support renters being able to make minor modifications to fix furniture to the walls. This reform will reduce the risk of harm, particularly to young children.

However, we strongly recommend that the proposed reform be comprehensive. Rather than being restricted to a limited range of safety modifications the Bill should be broadened to include other minor modifications as is already the law in every Australian State and Territory. **Expressed in another way, even with the amendment to allow limited safety modifications, Tasmania will continue to have the most restrictive minor modification provision for renters in Australia.**

More Tasmanians are renting and are renting for longer. Allowing minor modifications in rental properties will ensure that renters feel at home, and improve their safety, security and amenity. There is no good reason why renters should not be able to make minor modifications such as putting up picture hooks, installing a bathroom shelf or window glazing film and planting a herb or vegetable garden.

Minor modifications that should be allowed include:

- **Safety modifications** – anything that promotes the safety of people on the property (e.g. furniture anchors or child safety gates);
- **Security modifications** – anything that improves the security of the property or people on the property (e.g. installing deadlocks or alarms);
- **Disability- and aged-related modifications** – anything that assists a tenant who has a disability (e.g. access ramps, grab rails);
- **Energy-efficiency modifications** – anything that improves the energy efficiency of the property (e.g. switching to energy efficient lighting or putting glazing film on windows); and
- **Telecommunications modifications** – anything that enables access to telecommunication services (e.g. installing an NBN connection or TV antenna).

#### - **Security modifications**

In Tasmania, only survivors of family violence who also have a Family Violence Order or Police Family Violence Order in place are able to “add, alter or remove any lock or security device”.<sup>1</sup> Without either a FVO or a PFVO locks cannot be changed. More importantly, security modifications for both survivors of family violence and others should be broadened. Minor security modifications that renters should be able to make in appropriate cases include a security door, a sensor light or a security camera.

#### - **Accessibility modifications**

Tasmania’s Anti-Discrimination Commissioner has found that under the *Anti-Discrimination Act 1998* a landlord cannot refuse minor modifications that make rental properties more accessible for older persons, or those with mobility issues or disabilities. However, renters should not have to make a complaint to Equal Opportunity Tasmania to assert their rights. Whilst complaints are likely to be successful, it may irreversibly damage the relationship between the parties. Specifying in the *Residential Tenancy Act 1997* that accessibility modifications cannot be unreasonably refused will provide peace of mind for older persons and those with disabilities and clarify landlords’ responsibilities under the *Anti-Discrimination Act 1998*.

*Jenna Lovell lived in her Hobart home for around eight years. Due to a medical condition (hypermobility), the joints in Jenna's hands would dislocate if she was required to twist taps or door handles. Jenna asked her landlord if she could install lever taps. The landlord refused. After receiving legal advice from the Tenants' Union that the landlord's refusal may amount to discrimination on the basis of disability, the landlord relented and lever taps were installed. Jenna found the process extremely stressful and wants the law changed so that landlords cannot unreasonably refuse a renter's right to make their home accessible by allowing minor modifications.*

Legislation that a landlord cannot refuse minor modifications that improve the accessibility of the premises for persons with disability has been passed in the majority of Australian jurisdictions and should be included in Tasmania.

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<sup>1</sup> Section 57(2B) of the *Residential Tenancy Act 1997* (Tas).

- **Energy-efficiency modifications**

Many renters, particularly those with the least capacity to pay, live in poorly insulated housing that is expensive to heat and cool. Allowing minor modifications will mean that all social housing tenants will be able to install window coverings. As the law currently stands, only renters in the private rental market and social housing tenants entering into new lease agreements are required to have window coverings.<sup>2</sup> Other energy efficient minor modifications could include ceiling insulation, energy saving shower heads or LED lights.

- **Telecommunication modification**

In Tasmania, there is no minimum telecommunication standard. As a result, some renters move into properties without an NBN connection. Without the landlord's consent, renters are unable to have either the internet or a television aerial installed, even where they have offered to pay for the cost of installation. In short, the law allows landlords in Tasmania to unreasonably refuse access to television or internet. The refusal will often lead to higher costs as a result of renters having to purchase more expensive options (such as increased mobile phone data) or in some cases digital exclusion. We do not believe that landlords should be able to unreasonably refuse telecommunication modifications to allow internet or digital television access.

- **Landlord safeguards**

In all Australian jurisdictions renters require consent from their landlord before minor modifications can be made. Where a landlord refuses to give consent for minor modifications, we believe they should be required to apply to the tribunal for an order approving their refusal. Factors that should be taken into account include:<sup>3</sup>

- whether the landlord would suffer significant hardship if the modification were made;
- whether the modification would be contrary to the law for any reason (e.g. it would not be permitted under planning or building laws);
- whether the modification is likely to require modifications to other residential properties or common areas (e.g. in apartment buildings); and
- whether the modification would result in additional maintenance costs for the landlord.

We would also note that in most jurisdictions where renters are able to make minor modifications to their homes, the landlord and/or Tribunal is able to impose reasonable conditions on consent, such as that a qualified tradesperson undertake the works or that the proposed modification be done in a particular way to minimise damage to the premises.<sup>4</sup>

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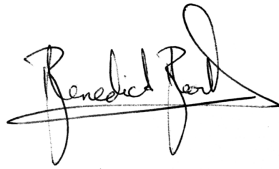
<sup>2</sup> Section 36N of the *Residential Tenancy Act 1997* (Tas).

<sup>3</sup> See, for example, section 71AC(3) of the *Residential Tenancies Act 1997* (ACT).

<sup>4</sup> Sections 71AB(4) and 71AC(2)(c) of the *Residential Tenancies Act 1997* (ACT); section 64(1E) of the *Residential Tenancies Act 1997* (Vic); section 55A(4)(c) of the *Residential Tenancies Act 1999* (NT); section 209C(3) of the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld); Regulation 22(2) of the *Residential Tenancies Regulation 2019* (NSW); section 50P(a) of the *Residential Tenancies Act 1987* (WA).

**We urge you to support a more comprehensive list of minor modifications being included in the *Residential Tenancy Act 1997 (Tas)* so that renters are able to feel more at home, have the ability to remain living in their rental property within their communities networks and improve their safety, security and amenity.**

Yours sincerely,



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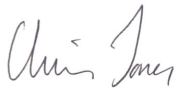
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