



Tasmanian Council of Social Service Inc.

Modernising the Residential Tenancy Act — Discussion Paper

June 2026



**INTEGRITY
COMPASSION
INFLUENCE**

About TasCOSS

TasCOSS's vision is for one Tasmania, free of poverty and inequality where everyone has the same opportunity. Our mission is two-fold: to act as the peak body for the community services industry in Tasmania; and to challenge and change the systems, attitudes and behaviours that create poverty, inequality and exclusion.

Our membership includes individuals and organisations active in the provision of community services to Tasmanians on low incomes or living in vulnerable circumstances. TasCOSS represents the interests of our members and their service users to government, regulators, the media and the public. Through our advocacy and policy development, we draw attention to the causes of poverty and disadvantage, and promote the adoption of effective solutions to address these issues.

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Introduction

TasCOSS welcomes the review of the [Residential Tenancy Act 1997 \(Tas\)](#) (*'the Act'*). This submission draws on TasCOSS's ongoing advocacy and evidence base — including data from the [Tasmania's State of Housing Dashboard](#) and insights gathered through our Pre-Budget Submission to the 2026/27 Tasmanian Budget — to make the case for a comprehensive and ambitious reform of the Act.

TasCOSS has consistently called for reform to renters' rights and protections. In our [2026/27 Pre-Budget Submission: 'Nowhere to Go: Fixing Tasmania's Broken Housing System'](#), TasCOSS identified the rental market is characterised by weak tenant protections and inadequate regulation, calling on the Tasmanian Government to introduce stronger rental protections as a matter of urgency.¹ That submission identified no-grounds evictions and uncapped rent increases as among the most destabilising features of the current legislative framework, and called for a suite of reforms including the introduction of minimum housing standards, stronger security of tenure, and improved access to legal services for renters, particularly in regional Tasmania.

In 2025 and 2026, some progress was made through the provision of stronger rental protections and rights for Tasmanian tenants, including allowing pets in rentals, progressing safety amendments to rental properties, and better protecting the rights of caravan park residents. However, there is still a compelling need for the Act to be significantly reformed to provide better protections for Tasmanian renters.

For a comprehensive submission on all the areas of the Act that need reform, TasCOSS refers readers to the submission to this review made by the Tenants' Union of Tasmania. In addition to making our own submission to this review, TasCOSS is also a signatory to the submission led by the Tenants' Union of Tasmania.

In our submission, TasCOSS highlights six areas which are critical to strengthening tenants' rights and protections:

- Tenancy agreements and coverage of the Act;
- Bonds and financial matters;
- Rent and affordability;

¹ TasCOSS (2025), ['Nowhere to Go: Fixing Tasmania's Broken Housing System'](#), 2026/27 Pre-Budget Submission.

- Property standards, repairs and modifications;
- Tenancy protections and vulnerable groups; and
- End of tenancies.

Referring to the Overview table (see page 23), which compares ten aspects of Tasmania’s tenancy laws against other Australian jurisdictions, it is evident that Tasmania is arguably the worst performer across those ten metrics.

Tasmania’s renters deserve a system that provides genuine security of tenure, protection from exploitative conditions and rent practices, stronger protections for people impacted by family and sexual violence, and housing that meets basic standards of safety and liveability. The reforms recommended in this submission would deliver those outcomes and bring Tasmania meaningfully closer to fulfilling its commitments under the National Cabinet’s *Better Deal for Renters* framework.²

Tasmanian renters are relatively poorly protected and often feel as though they have been forced to opt for a less-than-ideal housing outcome, behind home ownership. However, renting would not be ‘second-best’ if there was tenure equity in Australia, such that similar social and economic benefits would be derived from either renting or home ownership. While “*security, stability and a sense of belonging can be characteristics of rental housing under appropriate regulatory settings,*” that’s not what most Tasmanian renters experience.³

The Act is outdated and inadequate, leaving Tasmanians in the private rental market uniquely vulnerable to arbitrary eviction, substandard housing conditions and unpredictable rent increases.

The review of the Act is therefore not simply a legislative housekeeping exercise — it is a critical opportunity to fundamentally rebalance the relationship between landlords and tenants in a market where power is overwhelmingly weighted towards property owners.

TasCOSS welcomes the opportunity to engage in this review, and our policy team are available to provide additional information or to discuss any aspect of this submission.

² National Cabinet (2023), [A Better Deal for Renters](#), Department of Prime Minister and Cabinet.

³ Pawson, H, Milligan, V & Yates, J (2025), *Housing Policy in Australia: A Case for Reform*, Palgrave Macmillan, p. 340.

The Housing Crisis in Tasmania

In Australia, private rental has grown faster than any other housing tenure type over the past 20 years, driven by declining and delayed entry into home ownership and the contraction of social housing.⁴ Renting a home is no longer a short-term option for many students, young people and low income earners, and the number of lifelong renters in this country is growing.⁵ Renting is a vital housing tenure choice for people on low incomes, most of whom are priced out of buying a home and cannot readily access social housing.⁶

Rental affordability is critical for socio-economic equity because Australian renters are more likely than homeowners to be Aboriginal or Torres Strait Islander, single parents, unemployed, international students or immigrants.⁷ An Australian Council of Social Service (ACOSS) study of renting experiences in Australia found that disadvantaged renters fare worse: those who are unemployed, have low levels of education, or have a disability, reported experiencing more rent increases, moving more frequently, feeling less secure, and feeling more worried about asserting their tenancy rights.⁸

It is evident that Tasmania is in the grip of a deepening housing and rental affordability crisis. TasCOSS's *Tasmania's State of Housing Dashboard* — an interactive, evidence-based tool that tracks key housing indicators against the Tasmanian Government's housing commitments — paints a stark picture. Tasmanian median rents increased sharply (by 20%) in two years, from June 2020 to June 2022, and growth has continued, reaching \$430 per week by April 2025 — a 43% increase since June 2020.⁹ These steep rental increases mean that many Tasmanians are now struggling to afford their rent.

For lower income households, this is pushing people into housing stress, overcrowded housing or homelessness. Rental vacancy rates in Burnie, Launceston and Hobart remain critically tight, well below the level required for a healthy market. Meanwhile, the social housing waitlist has reached a record high of 5,533 applicants, representing more than 9,000 Tasmanians in need of secure housing.¹⁰ As well as poor housing outcomes, Anglicare Tasmania notes that this rental

⁴ Pawson, H, Milligan, V & Yates, J (2025), *Housing Policy in Australia: A Case for Reform*, Palgrave Macmillan, p. 340.

⁵ Parliament of Australia (2025), [Implications of Declining Home Ownership](#), May.

⁶ Australian Institute of Health and Welfare (2025), [Home Ownership and Housing Tenure](#), October.

⁷ Parliament of Australia (2025), [Implications of Declining Home Ownership](#), May.

⁸ Martin, C, Hartley, C & Pawson, H (2025), [Rights at Risk: Rising Rents and Repercussions: The Experience of Renting in Australia](#), Australian Council of Social Service (ACOSS).

⁹ Australian Bureau of Statistics, (2025), [Latest Insights into the Rental Market](#), May.

¹⁰ TasCOSS (2026), [Tasmania's State of Housing Dashboard](#).

affordability crisis is a barrier to addressing other important social issues including “*domestic and family violence, bed-block in the public hospital system and persistent disadvantage.*”¹¹

The case for reform is reinforced by commitments made at the national level. In August 2023, all Australian governments, through National Cabinet’s *A Better Deal for Renters*, agreed to harmonise and strengthen renters’ rights across Australia.¹² That agreement committed all states and territories to developing a nationally consistent approach to genuine reasonable grounds for eviction, moving towards limiting rent increases to once per year, phasing in minimum rental standards, and improving renters’ data privacy rights. It reflected a national consensus that the current regulatory environment is failing renters, and coordinated reform is essential. Tasmania’s response to that national commitment has been insufficient to date.

This review is an opportunity to correct that and bring Tasmania into line with best practice in renter protection and rights.

¹¹ Claxton, S, Bennett, M, & Toombs, G (2025), [Rental Affordability Snapshot 2025](#), Anglicare Tasmania.

¹² National Cabinet (2023), [A Better Deal for Renters](#), Department of Prime Minister and Cabinet.

Key Areas for Reform

Tenancy Agreements and Coverage of the Act

TasCOSS supports the introduction of standard forms and lease agreements. TasCOSS is aware of instances where lease agreements are unlawful or inconsistent with the Act, and where information requested from prospective renters is unnecessary, invasive, discriminatory or unlawful.

2.1 Standardised applications and privacy protections

Q2.1 (a) What are the potential benefits and drawbacks of a single, standardised rental application form?

(b) What information is essential for assessing a rental application, and what information should be considered unnecessary?

(c) Are the proposed timeframes for data retention and destruction appropriate?

A standard application form was recommended as part of National Cabinet's *A Better Deal for Renters* and will significantly reduce the likelihood of unlawful, discriminatory and superfluous information.

The lack of a standard application form means that the current application process does not adequately protect an applicant's security and privacy, forces prospective renters to comply with unlawful clauses, and does not provide a fair process for choosing between applicants.

Standard application forms would go some way to addressing these issues by limiting the information and documents that a tenant is required to disclose. The key information essential for assessing an application is:

- The applicant's identity;
- The applicant's ability to pay the rent; and
- Whether the applicant is likely to look after the property.

TasCOSS recommends the introduction of all measures related to making rental applications easier and protecting renters' personal information in accordance with *A Better Deal for Renters*.¹³ This includes:

¹³ National Cabinet (2023), [A Better Deal for Renters](#), Department of Prime Minister and Cabinet, measure 7.

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

Bonds and Financial Matters

3.1 Bonds

Q3.1.1 Should bonds be portable? What are the benefits and potential challenges of implementing a portable bond scheme in Tasmania?

Q3.1.2 If there was an option to pay a rental bond in instalments, should this be available to all tenants?

TasCOSS supports a portable bond scheme that would allow a tenant to transfer their bond money directly from one rental property to another.

A portable bond scheme is likely to result in less administration and financial stress, while also resulting in fewer tenants asking the landlord to take the final one-to-four weeks of rent from their bond.

TasCOSS also supports the ability of all tenants to pay a bond in instalments, as is the case for social housing providers and in other jurisdictions.

Rent and Affordability

4.1 Criteria for assessing rent increases

Q4.1.1 If alternative criteria for assessing rent increases were introduced, what should these criteria be?

Q4.1.2 Do you support other changes to assessing rent increase?

The Act currently regulates rent increases: landlords may generally only increase rent once every 12 months, and tenants must receive at least 60 days' written notice. The Act also provides tenants with the right to challenge an 'unreasonable' rent increase with the Residential Tenancy Commissioner. However, Tasmania does not impose a formal cap on the

amount rent may be increased, meaning landlords can still raise rents significantly if they can justify the increase by reference to market conditions.¹⁴

From an equity perspective, these provisions offer limited protection for low income Tasmanians during a period of rapidly rising housing costs. Although the ability to challenge ‘unreasonable’ increases does exist, the burden falls on tenants to initiate proceedings and prove unfairness. In practice, many renters lack the financial resources, legal knowledge or confidence to challenge increases, especially in Tasmania’s highly competitive rental market.

Tenant advocacy groups argue that this imbalance contributes to housing insecurity and financial stress for vulnerable households.¹⁵ This puts tenants in an invidious position. As noted by the Tenants’ Union of Tasmania in their submission to this review, *“faced between an exorbitant rent increase and taking their chances finding a new home on the rental market, most accept the rent increase and make sacrifices elsewhere.”*

Compared with other Australian jurisdictions, Tasmania’s protections are relatively weak. The Australian Capital Territory (ACT) has the strongest rent regulation system in Australia, limiting annual rent increases to 110% of the Consumer Price Index (CPI) unless approved by the tribunal. Victoria also provides stronger procedural protections, requiring landlords to justify increases using prescribed calculation methods such as CPI or a statewide rental index, while tenants may seek review through Consumer Affairs Victoria. Queensland and South Australia similarly limit increases to once every 12 months and allow tribunal review of excessive rent rises.¹⁶

These interstate comparisons demonstrate that Tasmania relies more heavily on market-based regulation than many other jurisdictions. While the Act attempts to balance landlord and tenant interests, critics argue that stronger controls are needed to protect low-income renters from excessive rent increases and displacement.

Greater regulation, such as assessing rents in reference to a prescribed rate (such as CPI) combined with a review mechanism when a rent increase exceeds the cap, would improve housing stability and reduce inequality for vulnerable Tasmanians.¹⁷ TasCOSS also recommends a provision is made in the Act for the Minister to declare an emergency period where rent prices can be frozen.

¹⁴ Tenants’ Union of Tasmania (2025), [State Election Asks 2025](#), 26 June.

¹⁵ Tenants’ Union of Tasmania (2025), [State Election Asks 2025](#), 26 June.

¹⁶ Make Renting Fair Western Australia (2023), [National Comparison of Tenancy Laws in Australia](#), October.

¹⁷ Tenants’ Union of Tasmania (2025), [State Election Asks 2025](#), 26 June.

4.4 Prohibiting rent bidding

Q4.4 Should the acceptance of offers from tenants to pay more than the advertised price be prohibited? Why or why not?

The Act currently prohibits landlords and agents from soliciting or encouraging offers above the advertised rent, but critically does not prohibit them from accepting unsolicited offers above the advertised price. This is a significant gap in the law. In an extremely tight rental market — with vacancy rates below 0.5% across Hobart, Launceston and Burnie — prospective tenants face intense competition for available properties.¹⁸

In such conditions, renters who can afford to offer above the advertised price gain a decisive advantage, effectively pricing out lower-income households who cannot engage in bidding wars. This dynamic undermines the stated advertised price as a meaningful signal of what a property will actually cost, and erodes the ability of vulnerable renters — including those on income support, families and people experiencing disadvantage — to compete on equal terms for housing.

The practice of rent bidding — whether solicited or not — drives rents above market rates and entrenches housing unaffordability. As the Tenants' Union of Tasmania noted in its *State Election Asks 2025*, Tasmania urgently needs stronger rental laws to protect its approximately 58,000 rental households.¹⁹ In a housing market already characterised by extraordinary median rent increases since 2020, the failure to prohibit the acceptance of unsolicited rent bids means that the current law provides only nominal protection.

As a national comparison of tenancy laws demonstrates, the trend across Australia is unmistakably toward a comprehensive prohibition on all forms of rent bidding.²⁰ Tasmania is now an outlier among Australian jurisdictions in failing to prohibit the acceptance of unsolicited rent bids. Queensland and the Northern Territory have banned both soliciting and accepting of above-advertised rent offers.²¹ South Australia introduced a ban on solicited rent bidding in 2024, with penalties of up to \$20,000 for landlords or agents caught soliciting a higher rental bid.²² Western Australia's *Residential Tenancies Amendment Act 2024* similarly prohibits landlords from soliciting or inviting offers above the advertised fixed rent, with a penalty of

¹⁸ TasCOSS (2025), *'Nowhere to Go!' Fixing Tasmania's Broken Housing System*, 2026/27 Pre-Budget Submission.

¹⁹ Tenants' Union of Tasmania (2025), *State Election Asks 2025*, 26 June.

²⁰ Make Renting Fair Western Australia (2023), *National Comparison of Tenancy Laws in Australia*, October.

²¹ Residential Tenancies Authority, Queensland Government (2024), *Rent Bidding*.

²² Consumer and Business Services, Government of South Australia (2024), *Rent Bidding Now Illegal in SA*.

\$10,000 for breach.²³ Victoria has also banned the acceptance of above-advertised offers, with the reform taking effect in late 2025.²⁴

A comprehensive ban on both solicited and unsolicited rent bidding in the Act would close this gap and bring Tasmania into line with best practice across Australia. Such a reform is consistent with the commitments made under National Cabinet's *A Better Deal for Renters* in August 2023, to which Tasmania is a signatory, and would represent a straightforward, low-cost intervention to improve fairness and affordability in the Tasmanian rental market.

TasCOSS recommends that unsolicited rent bidding is abolished by making it unlawful to accept an offer of rent higher than the advertised rent.

Property Standards, Repairs and Modifications

TasCOSS agrees with the Discussion Paper that the physical condition of a rental property is fundamental to a tenant's health, safety and wellbeing.

Tasmania's housing stock is among the least energy efficient in Australia, with many renters living in homes that are cold, damp, difficult to heat and expensive to maintain at safe temperatures. These conditions contribute to poor health outcomes, financial stress and energy hardship, while increasing pressure on community services and the health system.

Tasmanian renters are particularly vulnerable because they often have limited ability to improve the energy performance of their homes and face significant barriers in accessing affordable, secure and healthy housing. Strengthening minimum standards for rental properties is a critical reform to improve wellbeing, reduce inequality and lower long-term costs for households, government and community services.

5.1 Minimum standards

TasCOSS has consistently highlighted the impact of poor-quality housing on Tasmanians.

Many homes lack adequate insulation, efficient heating systems or draught sealing, leading to higher energy consumption and poorer health outcomes, particularly for older Tasmanians, people with disability, children and people living with chronic illness.

²³ Consumer Protection, Western Australian Government (2026), [No-Grounds Terminations in Residential Tenancies: Frequently Asked Questions](#), 30 April.

²⁴ Tenants Victoria (2025), [Ban on Rental Bids Among New Laws](#).

Tasmanian renters remain exposed to insecure housing conditions and inadequate protections. Without minimum standards, tenants often have little capacity to advocate for upgrades or negotiate improvements, particularly in a tight rental market with extremely low vacancy rates.

Without minimum standards for rental properties, many tenants will remain in homes that are unsafe, unhealthy and unaffordable to heat. This undermines Tasmania's broader goals relating to health, wellbeing, housing security and poverty reduction.

Enforceable minimum standards should be understood as preventative social and economic policy. Improving the quality and efficiency of housing can reduce avoidable health expenditure, lower energy demand, improve housing stability and contribute to Tasmania's broader wellbeing and climate objectives.

Q5.1.1 (a) Should minimum energy efficiency standards be mandated for appliances (like heaters) provided in rental properties? What challenges might this present for property owners?

TasCOSS supports the introduction of minimum energy efficiency standards for appliances provided in rental properties, particularly fixed heating appliances. Access to efficient, safe and effective heating is essential in Tasmania's colder climate and should be considered a basic component of healthy housing.

Many Tasmanians on low incomes live in rental properties with poor thermal performance and inefficient heating systems, contributing to energy hardship, poor health outcomes and financial stress. Renters often have limited ability to improve the energy efficiency of their homes and are disproportionately exposed to rising energy costs. Minimum standards for appliances would help ensure tenants can maintain safe indoor temperatures at a reasonable cost.

TasCOSS acknowledges there may be implementation challenges for some property owners, particularly where properties are older or where upfront upgrade costs are significant. These challenges can be mitigated through phased implementation timeframes, targeted financial incentives, or low-interest loan programs to lower the upfront capital cost burden for landlords undertaking upgrades to meet new standards.

However, it is important that incentives or financing mechanisms are conditional on accompanying minimum standards and protecting renters from unintended impacts, including unreasonable rent increases or displacement following upgrades.

(b) Are there other minimum energy efficiency standards that should apply to rental properties?

TasCOSS supports minimum energy efficiency standards for rental properties that include:

- A requirement that gas appliances are replaced with efficient electric alternatives at end of life;
- Minimum ceiling and underfloor insulation standards;
- Draught sealing requirements;
- Standards for water and energy efficiency of hot water systems;
- Requirements for adequate ventilation and moisture control;
- Window coverings that provide privacy, block light and provide thermal insulation, and glazing standards, where feasible;
- Basic weatherproofing and structural maintenance requirements; and
- Mandating that all properties carry an energy efficiency rating when rented or sold.

A comprehensive approach is important because heating appliance efficiency alone will not adequately address thermal comfort or energy affordability if homes continue to lose heat through poor insulation or structural inefficiency.

Minimum standards should also be designed with health outcomes in mind, recognising the strong relationship between cold, damp housing and respiratory illness, mental health impacts and chronic disease.

(c) What impact would adding minimum efficiency standards for appliances have on the supply of rental properties in Tasmania?

There is limited evidence to suggest that appropriately staged minimum energy efficiency standards would result in substantial reductions in rental supply over the long term. Analysis by Australian Housing and Urban Research Institute (AHURI) has found that tax policies are a bigger driver of rental supply than residential tenancy laws,²⁵ and a report for the ACT Government on the introduction of energy efficiency standards found no adverse impacts on rental prices, property availability or market volume.²⁶

²⁵ Martin, C et al. (2022), [Regulation of Residential Tenancies and Impacts on Investment](#), AHURI Final Report, no. 391, p. 81.

²⁶ Adams, H et al. (2024), [Monitoring and Evaluation of the Minimum Energy Efficiency Standard for Rental Properties in the ACT](#), Final Report, Common Capital.

While some property owners may express concern about compliance costs, improving housing quality should be understood as part of the basic obligations associated with providing rental accommodation. Safe, healthy and energy efficient housing delivers long-term social and economic benefits for tenants, government and the broader community.

TasCOSS considers the greater risk lies in maintaining a rental market where tenants are exposed to unsafe, unhealthy and unaffordable living conditions.

Careful policy design will be important to minimise unintended impacts on rental supply. This includes:

- Phased implementation;
- Targeted financial measures;
- Prioritising low-cost, high-impact upgrades initially; and
- Ensuring regulatory certainty and clear communication.

Over time, improved housing standards may also reduce maintenance costs, improve property quality and contribute to more sustainable tenancies.

Q5.1.2 Should the Residential Tenancy Commissioner have the power to order a property owner to bring a property up to the minimum standards?

TasCOSS supports providing the Residential Tenancy Commissioner with powers to require compliance with minimum standards.

Minimum standards will only be effective if they are enforceable and accessible to tenants in practice. Many renters, particularly those experiencing disadvantage or housing insecurity, may feel unable to pursue enforcement through more formal or adversarial legal processes due to concerns about retaliation, eviction or affordability.

Providing the Commissioner with clear compliance and enforcement powers would:

- Strengthen accountability;
- Improve consistency in enforcement;
- Support earlier resolution of disputes; and
- Reduce barriers for tenants seeking safe and healthy housing conditions.

Any enforcement framework should also include:

- Accessible complaints processes;
- Tenant protections against retaliatory action;
- Adequate resourcing for education and compliance activities; and
- A focus on early resolution and practical remediation, where appropriate.

Q5.1.3 Do you agree that technical standards, such as those for energy efficiency, should be located in the Regulations rather than the Act to allow for easier updates? Why or why not?

TasCOSS supports locating detailed technical standards within Regulations rather than the Act.

Energy efficiency standards, building technologies and best practice approaches evolve over time. Locating technical requirements in Regulations would provide greater flexibility to update standards efficiently in response to technological, social or other changes.

This approach may also reduce delays associated with legislative amendment processes and allow standards to remain contemporary and evidence-informed.

However, TasCOSS considers that the Act itself should still establish clear overarching principles, obligations and minimum standards relating to tenants' rights to safe, healthy and energy efficient housing. Regulations should operate within a strong legislative framework that provides certainty, accountability and transparency.

Q5.1.4 What other matters should be considered to improve the Act's operation in relation to minimum standards?

The following additional matters should be considered in relation to the adoption of improved minimum standards:

- All rental premises must have an internet connection, to the National Broadband Network, where possible.
- Ensure tenants can request repairs and upgrades without fear of retaliatory eviction or adverse treatment.
- Establish accessible and affordable enforcement pathways for tenants.
- Provide clear public guidance for both tenants and landlords regarding obligations and compliance.
- Ensure standards apply consistently across different tenancy types.
- Public disclosure of energy efficiency standards and rental housing conditions.

- Ensure regional, remote and low income households are not disproportionately disadvantaged during implementation.
- Consider mechanisms to monitor and limit inappropriate rent increases associated with compliance upgrades.

5.2 Minor modifications by tenants

Renters should be allowed to make a range of minor modifications that allow for improved liability and safety without seeking the landlord's consent.

The recent introduction of the *Residential Tenancy Amendment (Safety Modifications) Bill 2025* is a welcome advancement, but is extremely narrow in the modifications that it permits.

TasCOSS considers that tenants should be able to make a range of minor modifications that will ensure that renters feel more at home, and improve their safety, security and amenity, including to:

- Make the premises more homely (e.g. picture hooks, shelves, wall colours, gardens);
- Make the premises safer (e.g. furniture anchors, child safety gates);
- Allow for ageing and disabilities (e.g. ramps and grab rails);
- Make the premises more efficient (e.g. lighting, window film, shower heads);
- Enable telecommunications (e.g. modems or antennas); or
- Improve security (e.g. deadlocks, alarms, cameras).

Q5.2 (a) What, if any, types of minor modifications should tenants be allowed to make without seeking the owner's permission and what types should not be permitted?
(b) Should tenants be required to 'make good' their modifications at the end of a lease?

TasCOSS recommends that renters be able to make minor modifications to their homes that provide for improved liability, and modifications for safety, security, disability and aged-related, energy efficiency and telecommunications improvements.

If requested by the landlord, the tenant should be required to return the premises as nearly as possible in the same condition as the beginning of the tenancy but for fair wear and tear, unless the removal is likely to cause damage to the premises.

Tenancy Protections and Vulnerable Groups

6.1 Protections related to family and domestic violence

Q6.1 (a) Are the proposed measures adequate to protect tenants experiencing family and domestic violence?

(c) Are there any other changes that should be made to the Act to help protect victims of family or domestic violence?

TasCOSS welcomes the proposed measures to strengthen tenancy protections for victim survivors of family, domestic and sexual violence.²⁷

The reforms represent an important step toward a more trauma-informed and safety-oriented tenancy framework in Tasmania. However, TasCOSS considers that additional measures are necessary to ensure the legislation reflects contemporary best practice and aligns with nationally recognised approaches adopted in other jurisdictions.

Tasmania's current tenancy protections remain heavily reliant on court or police-issued orders. In practice, this creates a significant safety gap for:

- Victim survivors who have not obtained a Family Violence Order (FVO), Police Family Violence Order (PFVO) or other protective order;
- Victim survivors who do not wish to engage with police or the court system; or
- Victim survivors whose experience of violence is characterised by coercive control, systems abuse (by property managers or landlords) and escalating abuse, rather than incidents that have not yet been formally recognised through legal processes.

TasCOSS supports the introduction of a prescribed professional declaration pathway as an alternative evidentiary mechanism to access tenancy protections. Similar models operate successfully in New South Wales (NSW),²⁸ Queensland²⁹ and the ACT,³⁰ and are consistent with the National Cabinet endorsed model on family violence and residential tenancies.³¹

Introducing this pathway in Tasmania would reduce delays and barriers for victim survivors seeking to safely terminate a tenancy, remove their name from a lease, or remain in the

²⁷ National Cabinet (2023), [A Better Deal for Renters](#), Department of Prime Minister and Cabinet, measure 5.

²⁸ NSW Government (n.d.), [Making a Domestic Violence Declaration to End a Tenancy](#).

²⁹ Residential Tenancies Authority, Queensland Government (n.d.), [Domestic and Family Violence Report](#).

³⁰ ACT Government (n.d.), [Declaration by a Competent Person](#).

³¹ Department of the Prime Minister and Cabinet (2023), [Meeting of National Cabinet: Working Together to Deliver Better Housing Outcomes](#), 16 August.

property while having the perpetrator removed from the tenancy agreement alongside other rights.

TasCOSS is also strongly supportive of the proposed protections shielding victim survivors from liability for property damage caused by a perpetrator and from adverse tenancy database listings arising from violence-related circumstances. These protections are critical. Victim survivors have historically experienced ongoing housing exclusion due to damage caused during violent incidents, often resulting in bond disputes, rental debt claims and blacklisting on tenancy databases.³²

The proposed amendments would bring Tasmania more closely into line with protections already operating in Victoria,³³ South Australia³⁴ and NSW.³⁵ TasCOSS considers these protections essential to preventing further economic abuse and housing insecurity for victim survivors. While supportive of these reforms, TasCOSS encourages the Government to address several additional gaps in Tasmania's tenancy framework.

First, Tasmania should strengthen provisions relating to lock changes and security modifications. Victim survivors who remain in a property after removing a perpetrator often face heightened and immediate risks to their safety. The ability to undertake urgent security improvements (such as changing locks, installing security cameras, reinforcing doors or installing external lighting) without requiring prior landlord approval is an important safety measure already recognised in other jurisdictions.^{36, 37, 38} Delays associated with obtaining consent can place victim survivors at unacceptable risk. In some circumstances, the ability to immediately secure a property may be the difference between safety and serious harm.³⁹

TasCOSS also notes the need for stronger confidentiality protections relating to co-tenants and perpetrator notification. Current arrangements may require victim survivors to directly notify co-tenants or perpetrators of their intention to leave a tenancy, potentially escalating risk and compromising safety. NSW⁴⁰ and the ACT⁴¹ provide clearer mechanisms that protect confidentiality while ensuring procedural fairness for remaining tenants. Tasmania should

³² Community Legal Centres Tasmania (2017), [Family Violence Response Reforms](#).

³³ Consumer Affairs Victoria (n.d.), [Family violence when Renting](#), Victorian Government.

³⁴ South Australian Government (n.d.), [Residential Tenancy Protection for People Experiencing Domestic Violence](#).

³⁵ NSW Government (n.d.), [Domestic Violence in a Rental Property](#).

³⁶ NSW Government (n.d.), [Domestic Violence in a Rental Property: Staying in the Property](#).

³⁷ Consumer Affairs Victoria (n.d.), [Installing Security Devices Because of Family Violence](#), Victorian Government.

³⁸ Consumer Protection Western Australia (n.d.), [Safe Tenancy](#).

³⁹ Toivonen, C & Backhouse, C (2018), [National Risk Assessment Principles for Domestic and Family Violence](#), no. 7, Australia's National Research Organisation for Women's Safety (ANROWS).

⁴⁰ NSW Government (n.d.), [Sample Domestic Violence Notice to Terminate Tenancy Agreement to Landlord](#).

⁴¹ ACT Government (n.d.), [Ending a Tenancy Because of Domestic or Family Violence](#).

adopt a similar approach by requiring landlords or agents to provide neutral tenancy continuation notices to remaining co-tenants only after the victim survivor has safely vacated the premises, without disclosing the basis for the tenancy change.

TasCOSS recommends that Tasmania introduce confidentiality protections to ensure victim survivors are not required to directly notify perpetrators or co-tenants when accessing tenancy protections and prohibit disclosure of violence-related information. TasCOSS further emphasises that legislative reform alone is insufficient without adequate implementation supports. Experience in comparable jurisdictions demonstrates that the effectiveness of tenancy protections depends heavily on accessible processes, consistent guidance and frontline capability.

To ensure the reforms operate effectively in practice, Tasmania should develop:

- A standard confidential notice form;
- A prescribed professional evidence template;
- Mandatory timeframes for landlord or agent responses;
- Clear prohibitions on disclosing a victim survivor's location or personal information;
- Funded emergency locksmith and security assistance pathways;
- Guidance for the Rental Deposit Authority and Commissioner regarding violence-related bond disputes and tenancy database matters; and
- Training for property agents, tribunal staff, court staff and family violence frontline workers.

Without these practical supports, there is a risk the reforms may become difficult to access or inconsistently applied.

Finally, TasCOSS recommends that Tasmania broaden the range of evidence capable of triggering tenancy protections. Whilst the current National Domestic Violence Order Scheme recognises and enforces all Domestic Violence Orders (DVOs) across Australia⁴², greater flexibility is required to accommodate victim survivors interacting across jurisdictions or avoiding court processes altogether. The further recognition of interstate protection orders, family law injunctions and prescribed professional evidence would improve consistency, portability and accessibility for victim survivors navigating complex legal and housing circumstances.

⁴² Tasmanian Department of Justice (n.d.), [National Domestic Violence Order Scheme](#).

TasCOSS considers these additional reforms necessary to ensure Tasmania's tenancy framework is genuinely safety-focussed, trauma-informed and aligned with evolving national best practice. Strengthening the legislation in these areas would significantly improve the safety, security and reduction of barriers for victim survivors.

End of Tenancies

7.1 Security of tenure and ending fixed-term agreements

Q7.1 (a) Should property owners be required to provide a prescribed reason to bring a fixed-term tenancy to an end? If so, what reasons should be considered valid?

Q7.2 Should the Act be amended to ensure that orders for vacant possession are granted only when the reasons are genuine and just?

Tasmania banned no-grounds evictions for ongoing leases when the Act was introduced in 1997, such that landlords generally cannot terminate an ongoing lease without a prescribed reason. However, landlords may still terminate a fixed-term tenancy at the end of the lease without providing a substantive justification, provided adequate notice is given. Advocacy groups argue this contributes to the power imbalance between landlords and tenants evident in Tasmania.

It exposes a considerable proportion of Tasmanian renters to the risk of housing insecurity, which is particularly adverse for low income renters who may struggle to afford a forced move.

This situation also has a dampening effect on renters' willingness to request repairs or challenging unlawful conduct of landlords.⁴³ In an ACOSS survey of renters across Australia, three-quarters of renters (74%) had experienced some kind of defect, annoyance or issue in their current tenancy, and half said their dwelling needed repair. Most renters (68%) were concerned that requesting repairs could lead to a rent increase, and more than half were concerned it could result in eviction (56%) or blacklisting (52%). Reports from renters in NSW demonstrate that eviction notices are sometimes issued shortly after a tenant requests repairs, reinforcing concerns about retaliatory eviction practices.⁴⁴

The Tenants' Union of Tasmania has similarly documented that the ability of landlords to terminate at the end of a fixed-term — without disclosing a reason — opens renters to the

⁴³ Tenants' Union of NSW & Marrickville Legal Centre (2019), [Lives Turned Upside Down: NSW Renters' Experience of 'No-Grounds' Evictions](#), March.

⁴⁴ Tenants' Union of NSW. (2024), [NSW ends 'No-Grounds' Evictions: Historic Win for Renters](#), October, media release.

threat of retaliatory eviction, whether actual or implied, and operates to dissuade renters from enforcing their rights under the Act.⁴⁵

Other Australian jurisdictions are moving to end no-grounds evictions. In April 2026, the Western Australian Government announced they will end no-grounds evictions, joining NSW, Victoria, ACT and South Australia.⁴⁶ These reforms reflect a growing policy view that housing stability is essential to social equity and that tenants should not face eviction simply because a lease expires.⁴⁷ Victoria largely banned no-grounds evictions after the first fixed-term and for periodic agreements, while Queensland removed them for periodic leases only.⁴⁸ Recent reforms in NSW have also shifted toward requiring landlords to provide genuine reasons for termination, with legislation taking effect from May 2025.⁴⁹

From an equity perspective, Tasmania's laws therefore sit between more landlord-oriented systems such as older Western Australian and Northern Territory (NT) models, and stronger tenant-protection systems in the ACT and South Australia. The retention of fixed-term no-grounds evictions means that low income Tasmanians continue to experience housing insecurity despite reforms elsewhere in Australia increasingly recognising secure housing as a social justice issue.

TasCOSS recommends the Tasmanian Government bans no-grounds evictions and ensures the reasons for evictions meet the Victorian test of being 'reasonable and proportionate.'

7.5 Limiting 'break-lease' fees

Q7.5 Should break-lease fees be capped based on a sliding scale?

TasCOSS supports limiting break-lease fees for fixed-term agreements to a maximum prescribed amount which declines according to how much of the lease has expired, consistent with National Cabinet's *A Better Deal for Renters*.⁵⁰

As most state and territories now have capped break-lease fees, TasCOSS favours the NSW/Queensland/NT approaches of a maximum of four weeks' rent required to be paid.

⁴⁵ Tenants' Union of Tasmania (2025), [State Election Asks 2025](#), 26 June.

⁴⁶ Consumer Protection, Western Australian Government (2026), [No-Grounds Terminations in Residential Tenancies: Frequently Asked Questions](#), 30 April.

⁴⁷ Roth, L & Lamerton, C (2024), [Residential Tenancy Law Reforms: No-Grounds Evictions](#), no. 5, NSW Parliamentary Research Service, Parliament of NSW, June.

⁴⁸ Roth, L & Lamerton, C (2024), [Residential Tenancy Law Reforms: No-Grounds Evictions](#), no. 5, NSW Parliamentary Research Service, Parliament of NSW, June.

⁴⁹ NSW Government (2026), [Renters Better Protected One Year on from No-Grounds Evictions Ban](#), May.

⁵⁰ National Cabinet (2023), [A Better Deal for Renters](#), Department of Prime Minister and Cabinet, measure 6.

Overview: Comparing Tasmania to Other States and Territories

<u>State or territory</u>	Unsolicited rent bidding banned	No-grounds evictions banned	Rent increases (\$) capped	Break-lease fees limited	Portable bond scheme	Standard lease agreements or terms mandated	Standard application forms mandated	Minor modifications allowed	Energy efficiency mandated	Adequate protections for domestic violence	<u>Score</u>
VIC	✔ Yes	✔ Yes	✘ No	✘ No	✔ Yes — forthcoming Oct 2026	✔ Yes	✔ Yes	✔ Yes — prescribed list	✔ Yes — forthcoming Mar 2027	✔ Yes	8
NSW	✔ Yes	✔ Yes	✘ No	✔ Yes	✔ Yes — forthcoming mid-2026	✔ Yes	✘ No	✘ No	✘ No	✔ Yes — being phased in	6
ACT	✘ No	✔ Yes	✔ Yes	✔ Yes	✘ No	✔ Yes	✘ No	✘ No	✔ Yes — ceiling insulation by 30 Nov 2026	✔ Yes	6
QLD	✔ Yes	✘ No	✘ No	✔ Yes	✘ No — but pilot in South East QLD	✔ Yes	✔ Yes	✔ Yes — for health, safety, security and accessibility	✘ No	✔ Yes	6
SA	✘ No	✔ Yes	✘ No	✘ No	✔ Yes — forthcoming mid-late 2027	✔ Yes	✔ Yes	✘ No	✘ No	✔ Yes	5
WA	✘ No	✔ Yes — forthcoming	✘ No	✘ No	✘ No	✔ Yes	✘ No	✘ No	✘ No	✔ Yes	3
NT	✔ Yes	✘ No	✘ No	✘ No	✘ No	✘ No	✘ No	✘ No	✘ No	✔ Yes	2
TAS	✘ No	✘ No	✘ No	✘ No	✘ No	✘ No	✘ No	✘ No — some OK for safety	✘ No	✘ No	0

Recommendations

TasCOSS recommends the Tasmanian Government makes the following changes in relation to the *Residential Tenancy Act 1997 (Tas)*:

Tenancy Agreements

1. Make rental applications easier by introducing standard forms, and protect renters' personal information in accordance with *A Better Deal for Renters*.

Bonds

2. Introduce a portable bond scheme and allow all tenants to pay a bond in instalments.

Rent and Affordability

3. Introduce a 'soft cap' on rent increases; and include a power for the Minister to declare an emergency period where all rent increases are frozen.
4. Abolish unsolicited rent bidding by making it unlawful to accept an offer of rent higher than the advertised rent.

Property Standards, Repairs and Modifications

5. Introduce minimum energy efficiency standards for appliances and thermal performance in rental properties, in particular, requirements relating to insulation, draught sealing, efficient fixed heating, hot water systems, window coverings and replacing gas appliances with efficient electric alternatives.
6. Establish a staged implementation process with targeted financial measures for landlords to undertake upgrades, while ensuring costs are not unfairly transferred to tenants.
7. Provide the Residential Tenancy Commissioner with powers to require compliance with minimum standards.
8. Incorporate detailed technical standards within Regulations rather than the Act.
9. Mandate that all properties carry an energy efficiency rating when rented or sold, and improve data collection and public reporting on housing energy performance and rental property conditions in Tasmania to inform evidence-based policy development.

- 10.** Adopt improved minimum standards must include internet connection, protection against landlord retaliatory treatment, accessible enforcement pathways, and mechanisms to monitor and limit inappropriate rent increases associated with upgrades and compliance.
- 11.** Allow renters to make minor modifications to their homes that provide for improved liveability, and modifications for safety, security, disability and aged-related, energy efficiency and telecommunications improvements.

Tenancy Protections and Vulnerable Groups

- 12.** Broaden the definition of protections under family and sexual violence in the Act to be inclusive of child sexual abuse, as well as non-intimate relationships with other tenants, property managers and landlords due to the significance of the relationship and access to the individual.
- 13.** Allow the provision of a Statutory Declaration to be sufficient evidence to allow immediate removal of a victim survivor or perpetrator from a tenancy agreement, so long as the prescribed professional document is provided within a pre-determined, agreed timeframe after the fact.
- 14.** Allow victim survivors to undertake urgent safety and security modifications, including changing locks or installing security lighting or cameras without prior landlord approval, where family violence is present.
- 15.** Introduce confidentiality protections to ensure victim survivors are not required to directly notify perpetrators or co-tenants when accessing tenancy protections and prohibit disclosure of violence-related information.
- 16.** Fund and implement a comprehensive operational framework to support the practical application of family violence tenancy protections, including standardised forms, guidance materials, training and emergency safety supports.
- 17.** Expand recognised evidence pathways to include interstate protection orders, family law injunctions and prescribed professional evidence for all family, sexual violence or child abuse tenancy protections.

End of Tenancies

- 18.** Ban no-grounds evictions and ensure the reasons for evictions meet the Victorian test of being 'reasonable and proportionate.'
- 19.** Cap break-lease fees at a maximum four weeks' rent and applied on a sliding scale.