

RESIDENTIAL TENANCIES AMENDMENT BILL 2023

Supporting regulations – March 2024 consultation

Please provide reasons or evidence to support your answers to the consultation questions set out in this document.

Minor modifications to premises

The Act will be amended to provide that it is a term of every residential tenancy agreement that a tenant can make minor modifications to premises with the lessor's consent. The lessor will only be permitted to refuse consent in certain circumstances.

Proposed list of minor modifications to be prescribed

The new definition of 'minor modification' to be included in section 3 – provides "minor modification, in relation to premises, means a modification to the premises of a minor nature prescribed for this definition."

The following is a list of potential minor modifications that has been developed based on the types of modifications permitted in other jurisdictions:

- picture hooks;
- screws for wall mounts, shelves, or brackets;
- wall anchoring devices;
- water efficient shower head;
- hand-held shower head or lever style taps (for elderly or disabled occupants);
- security lights, alarm systems or security cameras;
- non-permanent window film;
- wireless doorbell;
- window coverings (such as curtains or blinds);
- adhesive child safety locks on drawers and doors;
- pressure mounted safety gate;
- locks on gates;
- child safety window device;
- lock on letterbox;
- draughtproofing where no open-flued gas heating;
- installation of phone or internet connection;
- LED light bulbs that do not need new fittings;
- blind cord anchors;
- painting of a room in the premises;
- creating a vegetable or herb garden; and
- flyscreens on doors and windows.

Question 1: Is the list of potential minor modifications appropriate? Should any items be added or removed?

Grounds for refusing consent to a modification

The lessor will be able to refuse consent to a minor modification, without Commissioner approval, on the grounds set out in section 50Q. This section provides that additional grounds can be prescribed by regulation.

Question 2: Should any additional grounds for refusing consent to a modification (without Commissioner approval) be prescribed?

The lessor will also be able to apply to the Commissioner under section 50S for an order allowing for the refusal of a minor modification. The Commissioner may make an order if satisfied that one of the matters in section 50S applies. This section provides that additional grounds can be prescribed by regulation.

Question 3: Should any additional grounds for refusing consent to a modification (with Commissioner approval) be prescribed?

Conditions on consent

Under section 50T, the lessor's consent for a minor modification may be subject to:

- if the modification is of a type prescribed in the regulations – a condition that the work be carried out by an appropriately qualified person – for example the installation of a shower head, lever style taps and telephone or internet services are prescribed modifications under an equivalent provision in New South Wales.
- a reasonable condition about a matter prescribed in the regulations; or
- a condition approved by the Commissioner.

Question 4: Should any types of modifications be prescribed so that they may be subject to a condition that the work be carried out by an appropriately qualified person?

Question 5: Should any additional classes of condition that may be imposed by the lessor be prescribed?

Keeping pets at premises

The Act will be amended to provide that a tenant may keep a pet at the premises with the consent of the lessor. The lessor will only be permitted to refuse consent in certain circumstances.

A tenant may keep an assistance animal at the premises without the lessor's consent.

Grounds for refusing pets being kept at premises

The lessor will be able to refuse consent to keep a pet, without Commissioner approval, on the grounds set out in section 50D of the Act. This section provides that additional grounds may be prescribed in the regulations.

Question 6: Should any additional grounds for refusing consent to keep a pet (without Commissioner approval) be prescribed?

The lessor will also be able to apply to the Commissioner for an order allowing for the refusal of consent to keep a pet. The Commissioner will be able to make an order if satisfied that one of the grounds in section 50E of the Act applies. This section provides that additional grounds may be prescribed in the regulations.

Question 7: Should any additional grounds for refusing consent to keep a pet (with Commissioner approval) be prescribed?

Conditions imposed by the lessor

The lessor's consent to keep a pet may be subject to the types of condition set out at section 50C of the Act. This section provides that additional conditions may be prescribed in the regulations.

Question 8: Should any additional classes of conditions that may be imposed by the lessor be prescribed?

Pet bond

The amount of the pet bond currently prescribed under regulation 10A is \$260. The September 2023 consultation on the Bill noted that the quantum of the pet bond will be reviewed to account for inflation.

Question 9: Is the current amount of the pet bond appropriate?

