TASMANIA

RESIDENTIAL TENANCY AMENDMENT (SAFETY MODIFICATIONS) ACT 2026

No. 16 of 2026

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RESIDENTIAL TENANCY AMENDMENT (SAFETY MODIFICATIONS) ACT 2026

No. 16 of 2026

An Act to amend the *Residential Tenancy Act 1997*

[Royal Assent 11 September 2026]

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Residential Tenancy Amendment (Safety Modifications) Act 2026*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

In this Act, the *Residential Tenancy Act 1997** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting after the definition of *residential tenancy agreement* the following definition:

safety modification, in relation to premises, means the affixing of an item of furniture to those premises for the purposes of avoiding the risk of injury or death to a person from the movement of that furniture;

5. Section 54 amended (Alterations, additions and fixtures)

Section 54 of the Principal Act is amended by inserting after subsection (3) the following subsection:

(4) This section does not apply to a safety modification to which section 54A applies.

6. Sections 54A, 54B and 54C inserted

After section 54 of the Principal Act, the following sections are inserted in Part 5:

*No. 82 of 1997

54A. Safety modification permitted

(1) In this section –

permanent damage includes –

(a) damage that cannot be remedied; and

(b) damage that affects premises that have historic cultural heritage significance within the meaning of the *Historic Cultural Heritage Act 1995*; and

(c) a type of damage prescribed for the purposes of this definition.

(2) Subject to subsection (3), a tenant of residential premises may make a safety modification to those premises without the consent of the owner of the premises, provided that the safety modification does not contravene any other law in respect of modifications to premises.

(3) Despite subsection (2), if a safety modification is likely to cause permanent damage to premises, the tenant of those premises is to request the consent of the owner of the premises to the safety modification before undertaking the safety modification.

(4) An owner who receives a request for consent under subsection (3) must give

consent, or refuse to give consent, within 14 days after receiving the request.

(5) Consent sought under subsection (3) –

(a) must not be refused unreasonably; and

(b) if not given or refused within the time period specified in subsection (4), is taken to have been given immediately after the expiry of that period.

(6) A tenant may remove any safety modification that the tenant has made to the premises unless the removal is likely to cause permanent damage to the premises.

(7) If the tenant causes any damage to the premises by removing any safety modification, the tenant is to –

(a) notify the owner as soon as practicable; and

(b) at the owner's option –

(i) repair the damage; or

(ii) compensate the owner for any reasonable expenses incurred by the owner in repairing the damage.

54B. Order of Commissioner in respect of safety modification

(1) If an owner of residential premises refuses to give consent to a safety modification requested under section 54A(3) in relation to those premises, and the tenant of those premises believes the refusal to be unreasonable in the circumstances, the tenant may apply to the Commissioner for an order to authorise the making of the safety modification.

(2) An application under subsection (1) is to –

(a) be in an approved form; and

(b) specify the safety modification requested.

(3) The Commissioner, as soon as practicable after receiving an application under subsection (1) in relation to premises, is to notify the owner of the premises of the application.

(4) The Commissioner may –

(a) make an order (a ***safety modification order***) authorising the making of a safety modification, if the Commissioner is satisfied that a refusal to give consent to the making of the safety modification

is unreasonable in the circumstances; or

(b) refuse to make such an order.

(5) The Commissioner, within 3 days of making a safety modification order, or refusing to make such an order, is to notify the tenant, and the owner, of the premises to which the order relates –

(a) that the Commissioner has made, or refused to make, the order; and

(b) of the reasons for making, or refusing to make, the order; and

(c) of the right to appeal that decision in accordance with section 54C; and

(d) that, if an order has been made, the order takes effect on the day after the end of the 14-day period beginning on the day after the day on which notice of the order was given under this subsection, unless the order is appealed under section 54C.

54C. Appeal to Tribunal in respect of safety modification order

(1) On application from an owner, or tenant, of residential premises who is aggrieved by an order made by the Commissioner

under section 54B, the Tribunal has the jurisdiction to review that order.

(2) An application made under subsection (1) must be made within the 14-day period beginning on the day after the day on which notice of the order was given under section 54B(5).

(3) For the avoidance of doubt, the review, by the Tribunal, of an order specified in subsection (1) is –

(a) within the review jurisdiction of the Tribunal; and

(b) allocated to the Civil and Consumer stream of the General Division of the Tribunal.

7. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

[Second reading presentation speech made in:–
House of Assembly on 19 May 2026
Legislative Council on 19 August 2026]