



28 January 2024

Department of Justice
Consumer, Building and Occupational Services
30 Gordons Hill Rd
Rosny Park TAS 7018
attn: Technical Project Manager

via email: cbos.info@justice.tas.gov.au

To Debra,

Re: Electrical Safety Legislation Development

We welcome the opportunity to provide a submission to the development of better electrical safety legislation ('the Consultation Paper') including the installation of safety switches to protect against the risk of injury or death from electrical shock. For long-term renters, or those who will never transition to home ownership, fitted safety switches applied to all homes retrospectively, ensure that tenants experience the same safety standards that others enjoy. Doing so helps break down rental stigma through the provision of good quality housing and conditions and helps to bring Tasmanian law in line with other jurisdictions.

As the Consultation Paper notes, *Australian Standard AS/NZS 3000:2018 Wiring Rules* requires safety switches to be fitted to all electrical final sub-circuits in domestic and residential electrical installations. However, the Australian standard only applies when new electrical work is performed and does not apply retrospectively to existing residential properties. Whilst we support the recommendation that safety switches should be fitted to an existing electrical installation when there is a change of residential property ownership, we do not believe this goes far enough as residential investment properties may not be sold for many years. In our opinion, the installation of safety switches should be mandatory in all rental properties as is already the case in Western Australia, Queensland, the Northern Territory and Victoria.

The *Electricity Regulations 1947* (WA) mandate that safety switches must be installed "before the owner enters into a residential tenancy agreement in respect of the premises..."¹ The *Electrical Safety Regulations 2013* (Qld) mandate that safety switches must be installed within 90 days of the tenancy agreement being entered.² The *Electrical Safety Regulations 2024* (NT) mandate that safety switches have to be installed in all rental properties by 1 July 2026.³ And, in Victoria, regulation 30 of the *Residential*

¹ Regulation 14(b) of the *Electricity Regulations 1947* (WA).

² Regulation 85(2) of the *Electrical Safety Regulations 2013* (Qld).

³ Regulation 189 of the *Electrical Safety Regulations 2024* (NT).

Tenancies Regulations 2021 “requires rental properties to have a modern style switchboard, with circuit breakers and electrical safety switches installed” by 29 March 2023.⁴

We strongly recommend that safety switches be mandated in all rental properties and that this be introduced by fixing a date. An example of how this could be implemented is the introduction of minimum standards for rental properties in 2015.

The Residential Tenancy Act 1997 (Tas)

Part 3B of the *Residential Tenancy Act 1997* (Tas) (‘the Act’) mandates a range of minimum standards for rental properties including:

- must be weatherproof and structurally sound; and
- must be clean and adequately ventilated; and
- must be connected to a sewer, on site waste management or other council approved toilet system; and
- have hot and cold running water and be connected to an electricity system;
- must contain a separate bathroom and/or toilet; and
- must have cooking facilities which include an appropriate number of hotplates and an appropriate oven; and
- must have adequate heating.

The minimum standards became law following the passing of the *Residential Tenancy Bill 2013*. Although the amending Act came into effect on 1 October 2014, the minimum standards came into effect over time. For example, whilst all new residential tenancies were required to be clean from 1 August 2015, all other minimum standards had at least one more year before they came into force, as the following table highlights.

Residential Tenancy Act 1997 (Tas)
Minimum standards from 1 August 2015⁵

Minimum Standard	New lease agreements	Leases entered before 31 July 2015
Clean	31 August 2015	
Weatherproof & Structurally Sound	1 August 2016	1 August 2018
Good Repair	1 August 2016	From 1 August 2016 for all tenancies entered or renewed after 1 August 2015 and from 1 August 2018 for all other tenancies.
Toilet	1 August 2016	From 1 August 2016 for all tenancies entered or renewed after 1 August 2015 and from 1 August 2018 for all other tenancies.
Bathroom	1 August 2016	From 1 August 2016 for all tenancies entered or renewed after 1 August 2015

⁴ Regulation 30 of the *Residential Tenancies Regulations 2021* (Vic). Also see Victorian Government, ‘Electrical safety rental minimum standard’. As found at <https://www.consumer.vic.gov.au/latest-news/electrical-safety-rental-minimum-standard> (accessed 21 January 2025).

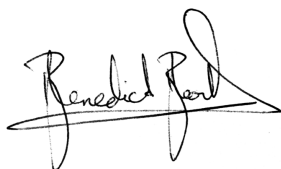
⁵ Also see section 68C of the *Residential Tenancy Act 1997* (Tas).

		and from 1 August 2018 for all other tenancies.
Cooking Facilities	1 August 2016	From 1 August 2016 for all tenancies entered or renewed after 1 August 2015 and from 1 August 2018 for all other tenancies.
Heating & Electricity	1 August 2016	From 1 August 2016 for all tenancies entered or renewed after 1 August 2015 and from 1 August 2018 for all other tenancies.

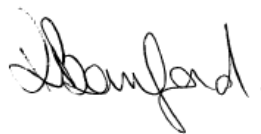
We recommend that the mandating of safety switches be fixed at one year following the passing of the proposed legislation. However, as well as making provision for properties sold -which the Discussion Paper has recommended- there will also need to be provision for properties where there has been a change of use i.e. the situation where a home becomes a rental property or an investment property which was formerly used to accommodate a family member or was used as short-stay accommodation becomes a rental property.

If you have any queries, or we can be of further assistance, please do not hesitate to contact us.

Yours faithfully,



Benedict Bartl
Principal Solicitor
Tenants' Union of Tasmania



Kim Bomford
Acting Chief Executive Officer
Shelter Tasmania



Adrienne Picone
CEO
TasCOSS