



26 September 2023

Members of the Legislative Council
Parliament House
Tasmania 7000

To all members of the Legislative Council,

Re: Support for Residential Tenancy Amendment (Minimum Window Coverings for Social Housing Properties) Bill 2023

The *Residential Tenancy Amendment (Minimum Window Coverings for Social Housing Properties) Bill 2023* ('the Bill') unanimously passed the House of Assembly and will be debated in the Legislative Council later this week. We strongly support the intent of the Bill and the requirement that social housing providers must install window coverings within 30 days of entering into a new residential tenancy agreement. However, the Bill as drafted excludes social housing providers from having to install window coverings where the tenant is extending or renewing their lease agreement or are on non-fixed term lease agreements.

We strongly believe that all social housing providers including Homes Tasmania and community housing providers should be required to meet the same minimum standards as private landlords. We urge you to support amendments requiring social housing providers to install window coverings in all social housing properties.

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 Act also mandates that window coverings are a minimum standard but that social housing properties are exempt:

36N. Window covering for privacy

(1) An owner must not enter into, extend, or renew, a residential tenancy agreement in relation to premises unless curtains or blinds cover each window in any room, in the premises, that the owner knows is likely to be used as a bedroom or a living area.

Penalty: Fine not exceeding 50 penalty units.

(2) Subsection (1) does not apply in relation to social housing.

The minimum standards became law following the passing of the Residential Tenancy Bill 2013. During debate of the Bill, a number of MHAs and MLCs noted their concerns at the unfairness of a minimum standard for window coverings not including social housing tenants:¹

House of Assembly

Mr SHELTON: *Minister, I raised the issue today of the inequity between the fact that Housing Tasmania does not have to supply the curtains and window coverings whereas private landlords do.*

...

Ms PETRUSMA: *This legislation also includes a stipulation that private-sector landlords cannot let premises unless curtains or blinds cover each window in any room. However, this provision is not applicable to social housing. Are people who enter public housing more able than most to afford window coverings?*

Legislative Council

Ms RATTRAY *I seek clarification of some of those areas that have already been spoken of in relation to curtains and the like. I am not aware that any Housing Tasmania properties have window furnishings, but I could be wrong. Why would you expect a private landlord in a private capacity to have window furnishings when it is not, I believe, a requirement of Housing Tasmania?*

Whilst we have been unable to locate a response to these concerns being expressed in the House of Assembly, the then Leader of Government Business in the Legislative Council Craig Farrell provided the following explanation:²

Mr FARRELL *A few members mentioned window coverings. Housing Tasmania tenants are not required to pay a bond. They do not pay for water usage. This combined with being heavily subsidised by the taxpayer is clearly an advantage to public housing tenants. The intent of social housing is for long-term housing options, therefore it was agreed not to be unreasonable for tenants to supply window coverings. Housing Tasmania is working towards all properties having curtain rails so tenants can easily install their own coverings. It is estimated it would cost over \$12.6 million to initially install window coverings to all public housing stock, with recurrent costs unknown. It should be noted that Housing Tasmania properties suffer a high level of vacated maintenance with this debt sitting at \$2.515 million at 30 June 2013. Without bonds it is very difficult to recover money from tenants leaving public housing. It was therefore deemed unreasonable to impose this standard to public housing.*

¹ Parliament of Tasmania, House of Assembly, *Hansard*, Tuesday 9 April 2013.

² Parliament of Tasmania, House of Assembly, *Hansard*, Wednesday 18 September 2013.

Despite the arguments raised by the then Opposition in the House of Assembly and independent members of the Legislative Council, the minimum standards, including the exclusion of window coverings for social housing passed both the House of Assembly and the Legislative Council without amendment.

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 2015³

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 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 strongly believe that there are important privacy and cost considerations that support the need for window coverings to be mandated in all residential tenancies. As the law stands, all households renting in the private rental market can be assured that they will be moving into a property in which bedrooms and the main living room have privacy through the installation of window coverings. It is difficult to understand why the same right should not be provided to social housing tenants.

Similarly, the Act provides that all residential tenancies must have a heating device in the main living area. In the private rental market, the assurance of window coverings means that all tenants are able to better retain the heat emanating from the heater, whereas in social housing it is more likely that the heat will escape. The Department of Climate Change, Energy, the Environment and Water has reported that up to 40 per cent of a home's heating energy

³ Also see section 68C of the *Residential Tenancy Act 1997 (Tas)*.

can be lost through windows that do not have window coverings.⁴ This is not just an issue of comfort – the World Health Organisation states that the temperature within residential premises should be at least 18° Celsius at all times in order to prevent cold and damp-related health issues.⁵ A recent report by Better Renting found that, of the Tasmanian rental properties surveyed, zero had a median indoor temperature of 18° Celsius or above. The median across the properties surveyed was 14° Celsius – including properties *with* window coverings.⁶ The retention of heat in social housing properties is already particularly difficult given that anecdotally we are aware a lot of the stock is older, lacking modern requirements such as insulation and double-glazed windows.

An inability to retain heat is also likely to result in higher electricity bills for those least able to afford it – they may instead go without heating in order to avoid costs. It is unreasonable to expect tenants in social housing to be able to afford their own window coverings, and, even if they can, they still need the written permission of their social housing provider to be able to install them.

Finally, to provide members of the Legislative Council with a more complete picture, we wrote to all social housing providers enquiring as to how many new residential tenancy agreements were entered into in 2022 and how many properties already had window coverings. An overview of the responses are included below.

Social Housing Properties and Window Coverings in Tasmania

	No. of properties	Properties with window coverings	New tenancies entered in 2022	Are window coverings being installed?
Homes Tasmania	4998	<100	319	No, but in 2013 Homes Tasmania were in process of installing curtain rails in all properties (see Craig Farrell’s comments above)
Centacare Evolve Housing	~3000	~1900	No data provided	All properties owned (~1900) have window coverings. All properties managed on behalf of Homes Tasmania (~1100) do not have window coverings
Housing Choices Tasmania	~2990	~350	No data provided	All new properties (~350) have window coverings
Community Housing Ltd	~ 1550	~10	~150	Have started process but at very early stage with ~10 having window coverings installed
Salvation Army	~200	~200	0	All properties have window coverings
Wintringham	~170	~170	0	All properties have window coverings
Mission Australia	No data provided	No data provided	No data provided	“Mission Australia will discuss this possible legislative change direct with Homes Tasmania”

⁴ Department of Climate Change, Energy, the Environment and Water, ‘Winter - 10 things you can do now’. As found at <https://www.energy.gov.au/households/household-guides/seasonal-advice/winter> (accessed 22 September 2023).

⁵ World Health Organisation, ‘WHO Housing and Health guidelines’. As found at https://www.who.int/publications/i/item/9789241550376_p34 (accessed 22 September 2023).

⁶ Better Renting, *Power Struggles: Renting in Winter* (September 2023) at 5. As found at https://www.betterrenting.org.au/renter_researchers_winter_23 (accessed 22 September 2023).

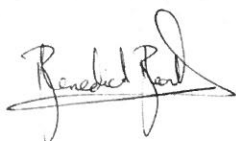
The data highlighted above emphasises the need for all social housing properties to have window coverings installed. To use Homes Tasmania as an example, there was a mere 6 per cent (319 of 4998) turnover of new tenancies in 2022. The data emphasises that social housing tenants rarely move once they have entered into a tenancy agreement with their social housing provider. Social housing tenants will renew and extend their lease agreements regularly but there are very few reasons (death, moving into nursing home, smaller/larger property required etc) why a tenant will vacate their home. The data also demonstrates that it is not an unrealistic expectation, either logistically or financially. Centacare Evolve is the second largest social housing provider in Tasmania and already two-thirds of the properties that it owns and manages have window coverings.

Given that there are around 14,000 social housing properties across Tasmania⁷ we strongly believe that they should be entitled to the same protections as those renting in the private rental market. However, we recognise that it will take time for social housing providers to comply with this minimum standard. We therefore recommend that a new social housing tenancy must meet the requirement within 30 days of the commencement or renewal or extension of the residential tenancy agreement and that all pre-existing social housing tenancies have 12 months to comply with the minimum standard.

In summary, we urge you to support the Bill with amendments requiring social housing providers to install window coverings in all social housing properties.

If you have any queries, please do not hesitate to contact us.

Yours sincerely,



Benedict Bartl
Principal Solicitor
Tenants' Union of Tasmania



Dr Charlie Burton
A/CEO
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Pattie Chugg
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⁷ According to the Productivity Commission there were a total of 13,954 social housing dwellings in 2022, comprising 4,999 public housing dwellings, 8791 community housing dwellings and 164 indigenous housing dwellings. As found at Productivity Commission, *Report on Government Services 2023*. Table 18A.3.