



## Amendments to the information for tenant forms 1AC and 1AD will commence on 20 March 2015

Amendments have been gazetted in the [Government Gazette of 20 January 2015](#) to amend the *Form 1AC Information for Tenants* and *Form 1AD Information for Tenant with Non-written Tenancy Agreement* in the Residential Tenancies Regulations 1989. A 60 day lead-in period will apply.

The amendments will add two new dot points to the current forms from 20 March 2015. The dot points highlight two key child safety issues about pool safety barriers and loose blind/curtain cords and chains. This information was developed after consultation with industry and other key stakeholders.

The Department of Commerce also wishes to request agents and property managers to remind lessors of their obligations under the *Residential Tenancies Act 1987* (the RT Act) that:

- the lessor has an obligation to arrange for urgent repairs necessary to avoid exposing a person to the risk of injury (section 43(1)); and
- it is a term of every agreement that the lessor must comply with all requirements that apply to the premises in respect of building, health and safety laws (section 42(2)(c)).

Under common law, a landlord has a duty of care to tenants as well as anyone the tenant invites into the property, and must ensure the premises are safe to live in. If a child dies or is injured on the rental premises, the landlord may be sued for negligence. Even if the tenants do not have children, a court could consider that it was reasonably foreseeable that the tenants may have children visiting the home from time to time.

### Pool safety barriers

The pool safety information was developed to support a recommendation by the WA Coroner in October 2013 following the death of a child in rental premises. In Australia, drowning is the most common cause of preventable death for children up to five years old. Existing laws apply to owners and occupiers under the *Building Act 2011* and pool barrier compliance is the responsibility of local government.

Agents and property managers may also wish to refer to [e-Bulletin Issue 62 Pool and Spa Safety](#) in relation to checking pool fencing.

### Loose blind/curtain cords and chains

The blind/curtain cord and chain information was developed as loose blind/curtain cords and chains can strangle young children. At least 15 young children have died in this way since the early 1990s. Recently, three more toddlers in New South Wales have died as a result of becoming entangled in blind/curtain cords and chains. Common law, product safety laws and obligations under section 42(2)(c) of the RT Act apply.

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Further information for landlords about their obligations in relation to corded window coverings is available in this fact sheet [Obligations of landlords – Corded internal window coverings](#).

The simple message is that blind/curtain cords and chains should be secured to be 1.6 metres or more above the floor so they do not pose a strangulation hazard to babies and young children.

As a matter of best practice when inspecting properties, property managers are advised to check that all internal window coverings in a rental property are as safe as possible for children. Where a hazard exists, the tenants should be advised to secure loose cords and chains so they are out of reach of children and the owner should be advised that a more permanent solution is needed to ensure compliance with the mandatory standard.

### **Commencement date 20 March 2015**

After a 60 day lead-in period, the amendments will come into operation on Friday 20 March 2015.

**The amended forms which incorporate the two new dot points will therefore need to be provided to new tenants from Friday 20 March 2015 onwards. Amended forms will be available on the Department of Commerce's website from Thursday 19 March 2015.**

Property managers will need to ensure the appropriate forms are used to ensure compliance with section 27B of the RT Act.

### **Further information**

- Amended versions of the prescribed Form 1AC and Form 1AD will be available from the Commerce [website](#) from Thursday 19 March 2015.
- [Product safety and your property](#)
- [Obligations of landlords – corded internal window coverings](#)
- <https://www.commerce.wa.gov.au/consumer-protection/blind-and-curtain-cord-safety>
- [e-Bulletin Issue 62 Pool and Spa Safety](#)

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