

6<sup>th</sup> August, 2022

Minister Elise Archer MP

Attorney-General, Minister for Justice, Corrections and Rehabilitation, Workplace Safety and Consumer Affairs, and the Arts

**Support for legislation allowing pets in strata.**

Animal Care Australia (ACA) is a national incorporated association advocating for higher welfare outcomes for animals by educating hobbyists and keepers and consulting with government at all levels.

ACA strongly encourages any review of current strata legislation with the aim of allowing pets in strata as the default position of the legislation. The aim is to create a clear ability for owners and tenants in strata complexes to keep pets. Any exceptions to the law must only require landlords to assess instances where a pet creates a substantiated issue for neighbours or the animal’s welfare is significantly compromised.

ACA strongly encourages all levels of government to promote and encourage the keeping of pets as they provide extraordinary mental health benefits for all of us. Any restrictions only serve as a detriment to our pets and those wishing to keep them.

When giving consideration to a review of legislation, ACA encourages your department to prioritise the following three principles:

**Principle 1 -**

**The large majority of NSW residents would like to keep pets, or are already keeping pets.**

**Principle 2 -**

**Pets greatly enhance the mental health of the community.**

**Principle 3 - Pet keeping should be encouraged, with the caveat that it does not adversely affect others.**

As a nationally recognised animal welfare organisation, with members within your electorate, we look forward to participating and consulting in advancing the existence of pets in strata.

Should you have further enquiries, please do not hesitate to contact me.

Kind regards,



Michael Donnelly  
President, Animal Care Australia.  
0400 323 843

## **Appendix:**

ACA was founded in early 2018 to establish an organisation run solely by volunteers to advocate for and encourage real animal welfare based on centuries of expertise keeping and breeding animals. Animal owners and keepers are currently poorly represented in law making decisions, By uniting the broad spectrum of animal groups, collectively we offer an experienced, sensible approach to animal welfare.

ACA is in the unique position of consulting and advocating for all animals within our care. The association represents each of the following major animal groups – dogs, cats, birds, horses, reptiles, farm animals (hobby-farming), small mammals, native mammals and mobile and wildlife educators.

When consulting and advocating with government, ACA prioritises the following:

- ACA strives for implementation of stronger achievable animal welfare outcomes using and based upon the extensive expertise of our members.
- ACA prioritises education over regulation as the most effective and economical means of improving animal welfare outcomes nationally.
- ACA opposes animal rights, an area of much confusion for the general public. We strive to highlight and educate the public on the stark differences between animal welfare and animal rights.

Our goal is to promote and encourage high standards in all interactions with the animals in our care. To encourage responsible pet ownership and the respectful treatment of all animals in our community. Further details are on our website [www.animalcareaustralia.org.au](http://www.animalcareaustralia.org.au)

ACA has engaged with government on a range of issues throughout Australia, including parliamentary inquiries, Ministerial, MP, Department Director meetings, appointments as major stakeholders, and numerous submissions nationally, at all levels of government

We welcome any opportunity to consult or work with your department in advancing the welfare of animals and the continued capacity for people to keep pets.

# Allowing PETS IN STRATA

*July 2022*



**“Pets are part of our family! They should not be discriminated against because of where they live”**

***Animal Welfare is Animal Care***

**Pet ownership is popular in Australia. It provides comfort and prevents loneliness, and pets have become more essential than ever to daily family life.**



“Animal Care Australia acknowledge the Traditional Custodians of the land on which we reside, and pay our respects to their Elders past and present.”

## Pets in strata is the way forward.

Animal Care Australia (ACA) supports the progression of changing legislation to allow pets to be kept in strata.

Research tells us that Australia has one of the highest rates of pet ownership in the world, with around 69 per cent of households including a pet in their family, and 91 per cent of households owning a pet at some point in their lives. Australia has the highest incidence of pet ownership per household of any country in the world.

This document concentrates on the importance of allowing pets to live in strata situations. We look at the current situations around the country, the benefits and solutions to those often mis-directed arguments against allowing tenants to keep pets.

Throughout this document Animal Care Australia shows animal welfare can easily be achieved, which in turn will improve the mental well-being and welfare of the residents and community within strata complexes.

In this modern era of high-rise living, this is the sensible way of improving welfare outcomes, community well being and all with the addition of allowing our pet family members to live with us.

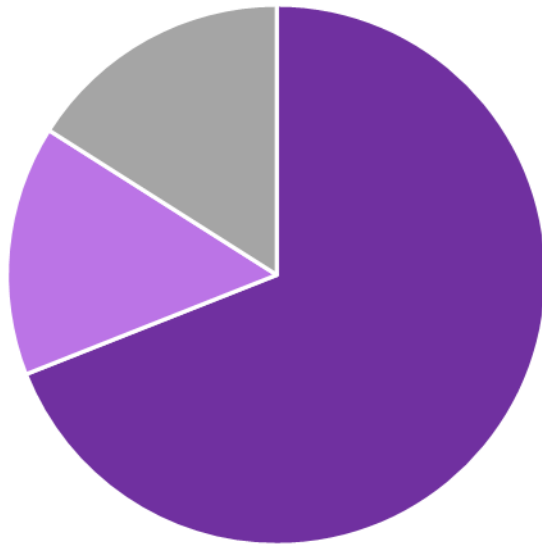


Animal Care Australia

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Around **69%** of Australian households own a pet  
 Around **15%** want to.

Source: <https://www.nsw.gov.au/housing-and-construction/strata/living/pets>

## Why should we allow pets in strata?

Research has shown that there are health benefits, both mental and physical when owning a pet. Such benefits can help promote a more harmonist environment within a strata environment, as caring for an animal can decrease the severity of depression and anxiety, as well as relieve stress.

Many of the arguments against pets being kept in strata could equally be applied to the impacts that children can have on a property. In many cases children are arguably as destructive and more of a nuisance than pets could be. To discriminate against animals is simply pandering to the bias of individuals.

Rationale in support of pets in strata complexes:

- ◆ Owners/tenants should be able to keep animals without having to inform anyone, as this a basic right. A right that should exist without the need for cumbersome 'red tape' which some owners' corporations rely on and seem to relish!
- ◆ Pet ownership is popular in Australia. It provides comfort and prevents loneliness, and as we have seen during the recent months of the pandemic, pets have become more essential than ever to daily family life. Small animals are well suited to living indoors with their owners. They brighten our lives, and give us routine and structure. The majority of households in Australia have pets, and legislation needs to catch up to current sentiments in the community.
- ◆ With the rapid increase in high density housing in Australian centres, increased urbanisation, reduced human interaction and more time spent in front of screens, pet ownership has become

*Living in strata is becoming more popular and while strata residents shouldn't be deprived of the benefits of owning a pet it is also important the amenity of neighbours and visitors to the building isn't impacted.*





*Laws must be designed to strike the right balance for everyone living in strata communities, putting an end to blanket bans on pets while giving owners corporations clear guidance on how they can set rules to ensure other owners aren't impacted.*



essential for our mental wellbeing and emotional health. Children learn from pets to be responsible, about obligations, about how to cope with grief, and how to develop routines.

- ◆ Responsible pet ownership involves spending time with our animals, training them, caring for them, and growing emotionally with them. Animals teach adults and children about empathy, which makes them better community members. This should be supported by legislation.
- ◆ Many people escaping domestic violence are limited in their options to find accommodation that allows pets, and remain in unsafe situations longer than they should.
- ◆ The default position that animals should be permitted (unless they are problematic) would assist our most high risk and vulnerable community members to be safe. As a community, we need to support their animals to support them. This should be supported by legislation.

- ◆ Vulnerable community members such as the elderly, disabled and those struggling with mental health issues also frequently have pets, for support and comfort and to give their daily lives meaning and purpose. This is not insignificant. Pet owners have been shown to live longer, happier and healthier lives. Having someone relying on you to get out of bed every day and take care of them is incredibly meaningful, and comforting. This should be supported by legislation.
- ◆ Allowing pets in strata is about supporting our community, being reasonable and empathetic to the needs of our most vulnerable while ensuring children develop the emotional range to live in a crowded world.
- ◆ As Australians move into more high rises and the ¼ acre block becomes an icon of the past, we need more support from government to ensure that our communities are able to have the well-rounded, diverse lifestyles that are necessary to develop healthy communities that care about each other.



## Some basic principles

### Principle 1 -

**The large majority of Australian residents would like to keep pets, or are already keeping pets.**

All research, including the Animal Medicines Australia report\* supports this principle. Indeed, given the current difficulties keeping pets due to By-laws and to many council's numbers-based regulation, ACA suspects the percentage of residents wishing to keep pets to be substantially higher than statistics indicate.

(\* <https://animalmedicinesaustralia.org.au/>)

### Principle 2 -

**Pets greatly enhance the mental health of the community.**

There is an enormous body of evidence supporting the therapeutic value of pets to the mental (and also physical) health of the community. Beyond Blue's, "[Pets and their impact on mental health](#)", is an excellent introduction to such research.

Laws and By-laws that attempt to restrict the ability to keep pets will impact on the mental health of residents. Such regulation, as the recent NSW Court of Appeal case found are oppressive, and in ACA view are also harsh and unconscionable.

### Principle 3 -

**Pet keeping should be encouraged, with the caveat that it does not adversely affect others.**

The Model By-laws should also be amended to make it clear to all owners and tenants that pets are permitted, however they must be kept under

control when on common property and they must not cause a nuisance to other lots.

## Assistance Animals

ACA strongly suggests the definition of an



Assistance Animal NOT be restricted to the *Disability Discrimination Acts*, that being:

*"... a dog or other animal that:*

- is accredited by a prescribed animal training organisation or under a State or Territory law, or*
- is trained to assist a person with disability to alleviate the effects of the disability and meet the standards of hygiene and behaviour appropriate for an animal in a public place."*

Many people keep animals for emotional support .

### Emotional Support Animals.

These animals provide support for people with special physical or mental needs, providing comfort, companionship, they relieve loneliness as well as help with depression, anxiety and motivating their owners to get out and about. These animals do not receive any specialised training to qualify them as assistance animals by law, however they do play a major positive role when it comes to mental health.

The Assistance Animals definition does not apply to non-certified 'facility animals' or 'therapy





animals' who are partnered with health care, educational or other professionals to support people in various facilities (such as schools, learning or rehabilitation centres, care homes, therapy clinics, psychiatric facilities or courts) and who live either at the facility or with their handlers.

These animals are an integral part of our society and people living within strata lots should not be penalised or discriminated against simply because their particular animal and/or needs do not fit within an existing definition.

There should be no burden of proof that an animal is either an Assistance Animal or an Emotional Support Animal. Any requirements imposed must directly relate to ensuring the impact of animals does not unreasonably affect other lot owner

## **Pets in strata nationally**

When it comes to keeping pets in strata complexes, different states across Australia have different legislation.

### **New South Wales:**

Pets are permitted. Some key points include:

- An owners corporation cannot stop you getting or owning a pet, as long as it does not disturb other residents
- If you are a tenant, your landlord can decide whether you are allowed a pet
- You may need to tell the owners corporation before you get a pet
- If you need to complain about someone else's pet, read your scheme's rules and speak to them first before contacting the owners corporation
- Assistance animals cannot be banned from living in a strata scheme

This information is provided by NSW Fair Trading.

### **Victoria:**

Pets are permitted. Some of those common conditions are:

- The animal is not allowed on the common property, except for the purpose of being taken in or out of the scheme land;
- The animal must be on a lead or adequately restrained while on common property;
- The animal must be regularly treated for fleas;

*There should be no burden of proof that an animal is either an Assistance Animal or an Emotional Support Animal.*



- The animal must not cause nuisance or interfere unreasonably with any person's use or enjoyment of another lot or common property;
- The animal be kept in good health and free from fleas and parasites;
- Any animal waste must be disposed of in such a way that it does not create noxious odours or otherwise contaminate the scheme; and
- Reasonable steps must be taken to minimise the transfer of airborne allergens from the animal, such as regular vacuuming and/or grooming.

### **Queensland:**

In Queensland, the default position about pets in strata buildings is set out under by-law 11 in Schedule 4 of the Body Corporate and Community Management Act 1997 which says that strata residents must have prior strata building approval to bring or keep an animal in the building. However, The Housing Legislation Amendment Bill passed in Parliament in October 2021, states landlords will no longer be allowed to refuse pets in rental properties without a reason deemed valid by the state government.

Under the bill:

- Tenants can have pets unless landlords provide a valid reason to refuse
- Tenants experiencing domestic violence can end a lease with just seven days' notice
- No evictions without grounds evictions
- Added reasons for landlords and tenants to end tenancies

### **Western Australia:**

A pet owner in WA is impacted by both strata community's by-laws and state legislation. A tenant should never keep a pet in strata accommodation without being sure the by-laws permit pets and they have any necessary approvals. The keeping of pets is also at the discretion of the strata council.

Assistance Animals are the only exception.

### **South Australia:**

A pet owner must have the approval of the Corporation to keep an animal.

### **Tasmania:**

Pets in strata are subject to By-Laws. If the body corporate has its own by-laws these will need to be checked. If the body corporate does not have a by-law which relates to the keeping of animals then the Model by-law will apply. The Model by-law provides that the written approval of the body corporate is required to keep animals on a lot or common property.



## Australian Capital Territory:

ACT strata communities are subject to the Unit Titles Act 2001. The Act includes a by-law relating to the keeping of animals as follows:

“51A Animals—owners corporation’s consent

- (1) A unit owner may keep an animal, or allow an animal to be kept, within the unit or the common property only with the consent of the owners corporation.
- (2) The owners corporation may give consent under this section with or without conditions.
- (3) However, the owners corporation’s consent must not be unreasonably withheld.

## Northern Territory:

From 1 January 2021, sections 65A and 65B of the Residential Tenancies Legislation Amendment Act 2020 permit tenants to keep a pet at their rental property if they have notified their landlord in writing, and the landlord has not objected or applied to the Northern Territory Civil and Administrative Tribunal (NTCAT)



## Other considerations

Australian citizens are currently (2022) experiencing a high level of financial burden following the Covid-19 pandemic lockdowns and the ongoing waves of new viral strains.

This is forcing many to default on mortgages and finding themselves needing to move in to the rental market. In the majority of states and territories this means no single piece of legislation exists to protect those individuals to keep their pets. These are animals they have owned and consider family—and our governments have a responsibility to protect them

Old school thinking that pets are a nuisance and burden is limiting the updating of By-Laws.

Our society is being forced to surrender their animals to shelters. Shelters are already crowded due to other limitations placed by Local Council Animal Management Plans constantly altering permitted animal numbers, demanding huge (revenue-raising) animal keeping permits, and restricting zones in which animals can be kept. Ironically these same Councils claim the need for extra state funding to expand their over-crowded shelters!

Individual states and territories require dog and cat breeders to comply with rigorous and onerous planning restrictions—such as DA applications for constructing a kennel or cattery - again requiring \$1000’s in fees and ongoing paperwork. States such as Victoria and Western Australia now limit the numbers of dogs or cats a person can keep, with laws requiring excess animals or older non-breeding animals to be rehomed rather than being able to remain with their owners.

All of this contributes to greater shelter over-crowding and the addition of no pets in strata exacerbates the dilemma.

# *We must change the narrative — We must change societal perceptions of pets in strata*



## **The Solutions**

The rights of Australians to own and keep pets should not be restricted by whether they own or rent a property.

Pets should be treated and considered in the same manner as children—we don't ban children from living in strata— why are we still banning pets from doing so, especially when local government already effectively deals with neighbourhood nuisance and amenity concerns .

### **What do we need?**

- ⇒ Federal or State intervention mandating a default position for pet ownership within strata as being acceptable.
- ⇒ Federal or State mandate requiring ALL body corporates and By-Laws to be amended with that position
- ⇒ State Appeals Tribunal for landlords and corporate owners to lodge and register a particular tenant as unsuitable for pet ownership, requiring that individual tenancy agreement to include a ban on keeping pets
- ⇒ Federal or State infringements for landlords and tenants who disregard the above.
- ⇒ Funding (both Federal & State) on educating the public on responsible pet ownership, and the benefits of owning pets.
- ⇒ A roll back in all States & territories of legislation, Council Animal Management Plans that restrict the keeping of animals in order to reduce the current provisions forcing the surrender of animals

⇒ Funding and investment in supporting the human-animal bond and responsible animal ownership, and ethical breeding.

Currently the focus on increased shelter funding does nothing to prevent animals ending up in shelters in the first place.



### **Improving animal ownership and animal welfare to improve the perception of pets in strata**

The perception is that animal owners don't care for their animals, but really the increasing restrictions on where animals can exist make companion ownership increasingly difficult.

This requires community education, not just in schools, but also migrant community programs in language to educate new Australians not just on the high expectations of animal welfare standards but where and how to find resources and help for their animals.



## Animal Care Australia

Animal Care Australia (ACA) is a national incorporated association lobbying for and advocating for higher welfare outcomes for animals by educating hobbyists and keepers and lobbying governments.

ACA was founded in early 2018 to establish an organisation run solely by volunteers to lobby for real animal welfare based on centuries of expertise keeping and breeding animals. Extreme animal rights and animal liberationist ideologies currently influencing government legislation, regulation and policy are at expense of real animal welfare and hence to the detriment of our animals and pets. ACA provides government with a balancing voice.

By uniting the broad spectrum of animal groups, collectively we offer an experienced, sensible approach to animal welfare. We estimate our foundation ACA clubs currently represent well over 200,000 members.

ACA is in the unique position of lobbying and advocating for all animals within our care. The association represents each of the following major animal groups – dogs, cats, birds, horses, reptiles, farm animals (hobby-farming), small mammals, native mammals and mobile and wildlife

educators.

When lobbying government, ACA prioritises the following:

- ◆ ACA strives for implementation of stronger achievable animal welfare outcomes using and based upon the extensive expertise of our members.
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- ◆ ACA opposes animal rights, an area of much confusion for the general public. We strive to highlight and educate the public on the differences between animal welfare and animal rights.

To this end, ACA has engaged with government on a range of issues throughout Australia. The Appendix that follows outlines some of these matters, including parliamentary inquiries, Ministerial, MP, Department Director meetings, appointments as major stakeholders, and numerous submissions in NSW and various other jurisdictions nationally.

Our goal is to promote and encourage high standards in all interactions with the animals in our care. To encourage responsible pet ownership and the respectful treatment of all animals in our community.

“Animal welfare by the experts—those who keep, care for and breed animals”

# “Support Pets in Strata”



“It’s time to break the myths, and  
move with the times”

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