



“Animal Welfare by the experts – those who keep, care for and breed animals.”

[www.animalcareaustralia.org.au](http://www.animalcareaustralia.org.au)

30<sup>th</sup> November 2022

Real Estate and Housing Policy Team  
Better Regulation Division  
Department of Customer Service

**RE: Keeping Pets in Residential Tenancies – Consultation 2022**

Animal Care Australia Inc. (ACA) is a national animal welfare organisation representing the interests of all hobbyist and pet animal keepers. Our members are comprised of most major animal keeping representative bodies including all species commonly kept in lots governed by strata schemes, such as, dogs, cats, birds, small mammals, reptiles, and fish.

ACA has continually advocated for changes allowing pets to be kept in strata and by tenants. We see this as having benefits that far outweigh any odd incident of negative impact on a neighbourhood.

ACA has reviewed the consultation paper and makes the following recommendations:

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**Recommendation 1 –**

ACA supports the changing of tenancy laws to allow the keeping of pets in residential properties.

**Recommendation 2 –**

ACA supports a model where a moderated hearing is the first step in resolving a conflict between landlord and tenant.

**Recommendation 3 –**

If moderation fails, the onus is on the landlord to obtain an order from a Tribunal to prevent the keeping of pets by a particular tenant.

**Recommendation 4 -**

ACA recommends the government produces educational material about the varieties of pets and their needs in order to reduce species bias by landlords and the general public.

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More detailed explanation of these recommendations is included in the attached submission.

ACA welcomes the opportunity to participate in further consultation as this important reform progresses.

Kind regards,

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President, Animal Care Australia.  
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Animal Care Australia

2022

**Keeping Pets In  
Residential Tenancies  
- Consultation NSW -  
2022**

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Approved: 5<sup>th</sup> December 2022  
Animal Care Australia Inc.

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# Keeping Pets in Residential Tenancies - Consultation – NSW 2022

Animal Care Australia submission.

## ACA Background:

Animal Care Australia Inc. (ACA) represents the interests of all hobbyist and pet animal keepers nationally. Our members are comprised of most major animal keeping representative bodies including those representing dogs, cats, birds, horses, small mammals, reptiles, fish and exhibited animals.

## Opening statement:

ACA has continually advocated for changes allowing pets to be kept in strata and by tenants. We see this as having benefits that far outweigh any odd incident of negative impact on a neighbourhood.

Available rentals are increasingly scarce. Recent natural disasters across the state have made the situation even more precarious, as homeowners are pushed into the rental market while their own homes are unlivable. Owning pets is frequently an additional barrier to securing a roof over our head.

ACA has consulted on numerous Domestic/Companion Animal Management Plans and Welfare Acts in the last few years. While community expectations are to prevent cruelty to animals, continually raise welfare standards, and educate new owners on responsible pet ownership, tenancy laws limit the success of these initiatives, by discriminating against pet owners and forcing pet owners to choose between a home or their animals, or to keep their animals in 'hidden circumstances' reducing the animal welfare standards.

Laws must be brought into line with community expectations. Society expects people to keep their animals for their natural lives, and not to treat them as temporary or disposable, and this must be supported in tenancy laws to meet these expectations. Pet ownership must be assumed and tolerated. It is unreasonable to expect the community to meet improving welfare standards without equally improving their living situation and availability.

ACA openly acknowledges there will be the odd bad tenants. There will always be people who do not respect other people's property, and do not care for their animals to an acceptable standard. This is not an issue unique to pet owners, nor is it an issue that requires any reform of the laws to address. Tenants pay bonds, and sign agreements including regular inspections from the agent or owner, and this is not affected by the addition of pets.

Property damage caused by pets should be compensated for, just like any other damage to the property, as is already legislated.

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More appropriately, there are many people who take excellent care of their animals and property, without having any negative impact on the rental property. Many pets are small, and quiet, and are supervised when out of their enclosure or cage, and have no impact on the property, nor on neighbours. A pet friendly rental is in high demand.

Property managers are experienced in dealing with tenancy issues and are ideally placed to provide some information on responsible pet ownership when new tenants move in. When pet ownership is assumed, high welfare standards are assumed as well.

While reviewing the consultation paper ACA noted the following statements and would like to respond to those in order to clarify and outline why we support the changes to legislation.

*“However, some stakeholders and members of the public are opposed to changing pet ownership laws. They state that keeping a pet in a rental property risk damaging the property. There is also potential for excessive noise that could bother neighbours in surrounding properties. They believe landlords should be able to control this risk with the option to refuse to allow a pet to live in the property.”*

ACA refutes this statement on the grounds that the same could be said in relation to tenants who have children. Children can be extremely destructive to property, if not more so than pets. Equally children can cause higher levels of nuisance and disturbance for neighbours and communities. The argument against pets is a form of bias, often related to landlords being uneducated about the needs of most pets and occasionally based on a poor experience with a previous irresponsible tenant – which should not be held against future tenants.

*“The NSW Government’s position has been that a landlord and tenant are best placed to negotiate whether keeping a particular pet should be allowed for a given property. Rental properties can vary greatly and certain types of pets may not be suitable for all properties.”*

“Certain types of pets”?

Clearly a Clydesdale is not suitable to be living in an indoors-based tenancy arrangement. Equally members of the Sydney Symphony Orchestra should not all be living in two-bedroom houses and rehearsing every night. Not all properties are suitable for children, or wheelchair users, or the elderly either.

Is the landlord best placed to determine whether the property meets a tenant's needs?

No, they are not. It is up to the person renting the property (tenant) to determine whether the property meets their needs at a price they can afford before they apply for the rental. Why would or should this be any different when deciding if the property will suit their pets?

Many landlords are biased when it comes to particular animal species and may agree to accept a small dog but will refuse a pet rat or reptiles. The decision/bias is not based on whether the property

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is suitable to have a rat or snake, but because the word (the species) itself has a bad stigma and conjures images of wild versions rather than understanding these are pets (captive bred and raised) and do not exhibit the same traits as their wild counterparts, such as, a rat is a dirty diseased animal. This needs to change, and ACA strongly recommends the government produces educational sources of information about the variety of pets and their needs.

ACA welcomes the opportunity to consult on such materials.

**ACA recommends the government produces educational material about the varieties of pets and their needs in order to reduce species bias by landlords and the general public.**

#### References:

The Consultation Paper can be found here: [Consultation Paper](#)

ACA has previously submitted to the ongoing consultation in NSW on keeping pets in strata and tenancies. These can be found here:

[NSW Draft Strata Legislation Amendment Bill 2022 \(Draft Bill\)](#)

[NSW Statutory Review of the NSW Strata Schemes Laws](#)

[NSW ACA supports amendments to the Strata Schemes Management Act](#)

#### ACA's Response to the Consultation questions:

1. Should NSW residential tenancy laws on keeping pets in rental properties be changed? Why or why not?

ACA recommends changes to residential tenancy laws allowing people to keep pets in rental properties. Yes, they do need to change so that there is more accessibility for people with pets to be placed into rental accommodation.

ACA's rationale in support of pets in rental properties:

- ✓ 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', such as needing to appeal landlords' decisions.

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- ✓ Pet ownership is popular in Australia. It provides comfort and prevents loneliness, and as we have seen during 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 it is time all facets of housing 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 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 at all levels of government
  - ✓ 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 proven to be 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 at all levels of government.
  - ✓ 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.
  - ✓ Allowing pets 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 can have the well-rounded, diverse lifestyles that are necessary to develop healthy communities that care about each other.
  - ✓ If unable to obtain rental accommodation with pets places the animals at a high welfare risk. Desperate to keep their pets, people may keep them in less desirable conditions and situations.
  - ✓ The ongoing rise in forfeitures of mortgages and interest rates has resulted in a greater number of people looking to the rental market for housing. The current lack of legislative support for these new tenants to retain their pets has seen many forced to surrender their pets to shelters and

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rescues, with some simply abandoning them all together. Society already looks down on people rehoming or surrendering a pet they can't take with them to their new home. They are blamed for not trying hard enough, or not paying more to keep their animals. However, when the laws don't support tenants on this issue, how can the tenant be blamed? This must stop and only legislative change can achieve that

- ✓ ACA notes people in NSW Public Housing are automatically allowed to have pets – with only a few basic rules relating to keeping them, such as not being a nuisance, etc.
  
- 2. Would you support a model where a landlord can only refuse permission to keep a pet if they obtain a Tribunal order allowing them to do so? This is similar to the model that applies in Victoria, the ACT and NT. Why or why not?
- 3. Would you support a model where the landlord can only refuse permission to keep a pet on specified grounds, and the tenant can go to the Tribunal to challenge a refusal based on those grounds? This is similar to the model that applies in Queensland. Why or why not?
- 4. Is there another model for regulating the keeping of pets in tenancies that you would prefer? If yes, please outline the model.

## **ACA supports the changing of tenancy laws to allow the keeping of pets in residential properties**

ACA's response to questions 2, 3 & 4 is all inclusive.

In the first instance, property managers are experienced in dealing with tenancy issues and can negotiate between a landlord and tenant.

However, ACA acknowledges that this is not always possible and it is ACA's recommendation that keeping pets is the default position.

Any attempt to circumnavigate this default position MUST be on the landlord to prove without doubt why this individual tenant's circumstances require a different outcome.

Currently when there is an issue between landlords and tenants there is an option of mediation that is run by the Department of Fair Trading and this should be the first go-to in order to achieve an amicable outcome. More often than not, it is a lack of understanding about the needs of the particular pet that leads to a landlord's reluctance and this could be resolved through mediation.

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Should that fail then the landlord must take their case to the Tribunal to obtain an order preventing that particular tenant from keeping pets at that particular residence. This order MUST be for the tenant and NOT the residential property.

ACA also recommends the Tribunal must take any costs incurred by the tenant to defend their rights into consideration when handing down a finding.

Therefore:

**ACA supports a model where a moderated hearing is the first step in resolving a conflict between landlord and tenant. If this fails, the onus is on the landlord to obtain an order from a Tribunal to prevent the keeping of pets by a particular tenant.**

ACA welcomes the opportunity to participate in further consultation as this important reform progresses.