

RESIDENTIAL TENANCY AMENDMENT (PETS) BILL 2025 (No. 40)

Second Reading

[12.33 p.m.]

Mr BARNETT (Lyons - Minister for Justice, Corrections and Rehabilitation) - Deputy Speaker, I move -

That the bill be now read the second time.

This bill amends the *Residential Tenancy Act 1997* in relation to the keeping of pets in rental properties. As part of its first 100-day plan, the government committed to making amendments to the *Residential Tenancy Act* to allow renters to have a pet as a right. This bill fulfils this commitment.

Under the changes, tenants can apply to the owner of the property to keep one or more pets. Owners can only refuse the keeping of a pet on reasonable grounds. The grounds for determining reasonableness are set out in the bill, and an owner wanting to refuse permission must apply to the Tasmanian Civil and Administrative Tribunal (TASCAT), or the Tribunal, to endorse this refusal.

The bill provides for a permission-based model. This was the model considered and endorsed by the previous House of Assembly. If a tenant applies for permission and an owner does not respond within 14 days, they are deemed to have consented to the application, and the pet can be kept at the premises. In determining whether refusal of permission is reasonable, the tribunal may take into account whether keeping a pet would:

- (i) cause a nuisance on the premises;
- (ii) cause a nuisance on adjacent or adjoining premises or other nearby properties;
- (iii) cause damage that is more than reasonable wear and tear to the premises;
- (iv) pose an unacceptable risk to the safety of any person; and
- (v) pose an unacceptable risk to the safety or welfare of the pet or another animal on the premises;
- (vi) any other grounds that the Tribunal considers reasonable in the circumstances

The bill also provides an avenue for an owner to withdraw consent and to seek an order of TASCAT that a pet must be removed.

The bill includes a definition of 'pet' as:

... a domesticated animal, or an animal that is dependent on a person for the provision of food or shelter, if that animal is not an exempt animal or an ineligible animal.

The term 'ineligible animal' is defined in the bill and covers:

- (a) a dog that is more than 6 months of age, if the dog is not registered under section 8 of the *Dog Control Act 2000*;
- (b) a cat that is more than 6 months of age, if the cat -
 - (i) is not microchipped as required under section 12(1) of the *Cat Management Act 2009* ...

Ineligible animals are not pets under the act and tenants cannot keep ineligible animals on the premises.

Exempt animals under the bill are guide dogs and assistance animals. The bill reiterates that guide dogs are not pets. Users and trainers of guide dogs can continue to have them at their property. This aligns with anti-discrimination obligations already in place. The bill refers to the definition of 'assistance animal' in the Commonwealth *Disability Discrimination Act 1992*. This act defines assistance animals as -

A dog or other animal:

- (a) accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or
- (b) accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or
- (c) trained:
 - (i) to assist a person with a disability to alleviate the effect of the disability; and
 - (ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

If an owner disagrees that an animal fits the definition of assistance animal, they may apply to TASCAT and the tribunal will have the power under the amendments to make an order determining whether an animal is an assistance animal for the purposes of the residential tenancy pet provisions.

The bill does not undermine legal frameworks already in place in relation to pet or animal ownership.

The provisions do not override any pre-existing legal restriction or prohibition on the tenant having the pet. These may include council bylaws, strata title bylaws, or other legal provisions such as animal welfare legislation.

It also should be noted that if a tenant seeks permission to keep a declared dangerous dog on the premises, an owner may refuse permission without needing an order of the tribunal.

The *Residential Tenancy Act* continues to provide that a tenant has an obligation to return the property to the condition it was in at the beginning of the tenancy, other than reasonable wear and tear. Therefore, any damage caused by a pet will need to be rectified by the tenant at the end of the tenancy or otherwise the owner may make a claim against the bond.

The reforms will not affect the tenant's obligations under Section 53 of the act to rectify any damage caused during the tenancy and to return the premises to the condition the premises was in at the beginning of the tenancy, other than reasonable wear and tear.

In the development of this bill, the Department of Justice undertook targeted consultation with a wide range of stakeholder bodies as well as local government. The department received 16 submissions and these provided the invaluable perspective of a variety of sectors of our community. I thank those groups that provided feedback on the policy.

The government considers that the reforms contained in the bill balance the rights and safety of the tenants with the interests of the owner. The amendments commence on proclamation.

I commend the bill to the House.

