

TASMANIA

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**RESIDENTIAL TENANCY AMENDMENT BILL  
2024**

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**RESIDENTIAL TENANCY AMENDMENT BILL  
2024**

*(Brought in by the Minister for Small Business and Consumer  
Affairs, the Honourable Madeleine Ruth Ogilvie)*

**A BILL FOR**

**An Act to amend the *Residential Tenancy Act 1997***

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

**1. Short title**

This Act may be cited as the *Residential Tenancy Amendment Act 2024*.

**2. Commencement**

The provisions of this Act commence on a day or days to be proclaimed.

**3. Principal Act**

In this Act, the *Residential Tenancy Act 1997*\* is referred to as the Principal Act.

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\*No. 82 of 1997

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**4. Section 3 amended (Interpretation)**

Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *agent*:

***approved form*** means a form that is approved by the Commissioner;

- (b) by inserting the following definition after the definition of *residential tenancy agreement*:

***safety modification***, in relation to premises, means the affixing of an item of furniture to those premises for the purposes of avoiding the risk of injury or death to a person from the movement of that furniture;

- (c) by inserting the following definition after the definition of *tertiary student*:

***Tribunal*** means the Tasmanian Civil and Administrative Tribunal;

**5. Part 3C inserted**

After section 36P of the Principal Act, the following Part is inserted:

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**PART 3C – PETS**

**36Q. Interpretation of Part**

In this Part –

*exempt animal* means a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967*;

*ineligible animal* includes the following animals:

- (a) a dangerous dog within the meaning of the *Dog Control Act 2000*;
- (b) a dog that is more than 6 months of age if the dog is not registered as required under section 8 of the *Dog Control Act 2000*;
- (c) 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*; and
  - (ii) is not the subject of a certificate

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referred to in  
section 12(2) of  
that Act;

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

**36R. Keeping animals on premises**

- (1) Subject to subsection (5), or an order of the Tribunal to the contrary made under section 36U(2), a tenant of residential premises may keep one or more pets, or one or more exempt animals, on those premises.
- (2) If a tenant of residential premises intends to keep one or more pets on those premises in accordance with subsection (1), the tenant is to notify the owner of the premises.
- (3) A notification under subsection (2) is to –
  - (a) be in writing; and
  - (b) specify –
    - (i) the pet or pets that are intended to be kept on the premises; and
    - (ii) the date from which the pet or pets are intended to

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be kept on the premises;  
and

- (c) be given to the owner, of the premises to which the notification applies, on or before the date specified in subsection (3)(b)(ii).
- (4) For the avoidance of doubt, a tenant of residential premises may not keep an ineligible animal on those premises.
- (5) Nothing in this section derogates from the operation of –
  - (a) the provisions of an Act; or
  - (b) by-laws made under Part 11 of the *Local Government Act 1993*; or
  - (c) by-laws made by a body corporate under section 90 of the *Strata Titles Act 1998* –

that restrict or prevent the keeping of a pet on premises.

**36S. Owner must not unreasonably object to the keeping of pet**

- (1) The owner of residential premises to whom a notification has been given under section 36R(2) must within 28 days after being notified –

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- (a) confirm, in writing, that the owner consents to the tenant keeping the pet or pets specified in the notification; or
  - (b) object to the tenant keeping the pet or pets specified in the notification by –
    - (i) giving to the tenant written notice of the objection and the reason for the objection; and
    - (ii) making an application to the Tribunal under section 36U(1).
- (2) The owner of residential premises to whom a notification has been made under section 36R(2) must not unreasonably object to the keeping of a pet specified in the notification.
- (3) For the avoidance of doubt, despite an owner of residential premises objecting to the keeping of a pet or pets under subsection (1)(b), a tenant may continue to keep a pet that is the subject of a notification given under section 36R(2) on the premises to which that notification relates, unless the Tribunal makes an order to the contrary.
- (4) The owner of residential premises may confirm consent to the tenant keeping a pet or pets specified in a notification



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made under section 36R(2) subject to conditions, specified in the confirmation, if those conditions –

- (a) are agreed to by the tenant; and
  - (b) relate only to the keeping of the pet or pets specified in the notification; and
  - (c) are reasonable in the circumstances; and
  - (d) do not increase the rent or security deposit payable by the tenant; and
  - (e) do not otherwise contravene the provisions of this or any other Act.
- (5) The owner is taken to have confirmed consent to the keeping of a pet or pets if the owner has not confirmed consent, or objected to the keeping of the pet or pets, in accordance with subsection (1) within 28 days after being given the notification.

**36T. Withdrawal of consent**

- (1) The owner of residential premises may only withdraw consent to the tenant keeping a pet or pets on those premises if the owner has –
- (a) given to the tenant written notice of the owner's intention to

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withdraw consent to the keeping of the pet and the reason for the withdrawal of consent; and

- (b) the Tribunal has made an order under section 36U(2)(c) permitting the withdrawal of consent to the keeping of the pet.
- (2) The owner of residential premises may not withdraw consent, given to a tenant of those premises, to keep a pet, if the withdrawal of that consent is unreasonable.
- (3) Nothing in this section prevents the owner of residential premises from withdrawing consent, in accordance with subsection (1), in respect of a pet on those premises at any time.

**36U. Determination of matter by Tribunal**

- (1) On application from the owner of residential premises, the Tribunal has the jurisdiction to determine the following matters:
  - (a) that the owner's objection to the keeping of a pet, specified in a notification given by a tenant of those premises under section 36R(2), is not on reasonable grounds;

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- (b) that the owner's objection to the keeping of a pet, specified in a notification given by a tenant of those premises under section 36R(2), is on reasonable grounds;
  - (c) that the withdrawal of consent, by the owner of residential premises, to a tenant keeping a pet or pets on those premises, is not on reasonable grounds;
  - (d) that the withdrawal of consent, by the owner of residential premises, to a tenant keeping a pet or pets on those premises, is on reasonable grounds;
  - (e) subject to section 36X, that a pet, in relation to which no notification has been given under section 36R(2), may not be kept on those premises;
  - (f) that an animal is a pet or an ineligible animal.
- (2) If the Tribunal makes a determination under subsection (1), the Tribunal may make one or more of the following orders in respect of specified residential premises:
- (a) that a tenant of the premises may keep a pet specified in a

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- notification given by the tenant under section 36R(2);
- (b) that a tenant of the premises may not keep a pet specified in a notification given by the tenant under section 36R(2);
  - (c) that the owner of the residential premises may withdraw consent to a tenant keeping a pet specified in the notification made by the tenant under section 36R(2);
  - (d) that a pet, or an ineligible animal, must be removed from the residential premises.
- (3) On making an order under subsection (2), the Tribunal may provide for conditions and any other ancillary matters relating to the keeping of a pet on the premises as it considers appropriate.
- (4) If the Tribunal makes an order under subsection (2)(c) or (d), the order –
- (a) is to specify the period within which the pet or ineligible animal, to which the order relates, is to be removed from the relevant residential premises; or
  - (b) if no such period is specified in the order, is taken to require the tenant to remove the pet or ineligible animal, to which the

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order relates, from the relevant residential premises within 7 days after the tenant is notified of the making of the order.

- (5) For the avoidance of doubt, a matter specified in subsection (1) as being within the jurisdiction of the Tribunal is –
- (a) within the original jurisdiction of the Tribunal; and
  - (b) allocated to the Civil and Consumer stream of the General Division of the Tribunal.

**36V. Rejection of application because of pet**

The owner of residential premises must not unreasonably reject an application to rent the premises on the basis that the person making the application has indicated that the person will be giving a notification that the person intends to keep a pet on those premises.

**36W. Reasonable grounds**

In determining a matter that is within the jurisdiction of the Tribunal by virtue of section 36U, the Tribunal may take into account the following grounds:

- (a) whether keeping a pet, specified in a notification given by a tenant

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under section 36R(2) in relation to residential premises, would have any of the following effects:

- (i) cause a nuisance on the premises;
  - (ii) cause a nuisance on an adjacent or adjoining premises or other nearby premises;
  - (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;
  - (v) pose an unacceptable risk to the safety or welfare of the pet or another animal on the premises;
- (b) any other grounds that the Tribunal considers reasonable.

**36X. Transitional provision**

If, immediately before the commencement of section 36R, a tenant of residential premises has the oral or written consent of the owner of those premises to keep a pet on those premises,

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that consent is taken to be a confirmation of consent given under this Part in respect of that pet, unless that consent is withdrawn in accordance with section 36T(1) after the commencement of section 36R.

**6. Section 54 amended (Alterations, additions and fixtures)**

Section 54 of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (4) This section does not apply to a modification to which section 54A applies.

**7. Sections 54A, 54B and 54C inserted**

After section 54 of the Principal Act, the following sections are inserted in Part 5:

**54A. Safety modification permitted**

- (1) In this section –

*permanent damage* includes –

- (a) damage that cannot be remedied;  
and
- (b) damage that affects premises that have historic cultural heritage significance within the meaning

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of the *Historic Cultural Heritage Act 1995*; and

- (c) a type of damage prescribed for the purposes of this definition.
- (2) Subject to subsection (3), a tenant of residential premises may make a safety modification to those premises without the consent of the owner of the premises, provided that the safety modification does not contravene any other law in respect of modifications to premises.
- (3) Despite subsection (2), if a safety modification is likely to cause permanent damage to premises, the tenant of those premises is to request the consent of the owner of the premises to the safety modification before undertaking the safety modification.
- (4) An owner who is given a request for consent under subsection (3) must grant or refuse the request within 14 days.
- (5) Consent sought under subsection (3) –
  - (a) must not be refused unreasonably; and
  - (b) if not given or refused within the time period specified in subsection (4), is taken to have been given immediately after the expiry of that period.



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- (6) A tenant may remove any safety modification that the tenant has made to the premises unless the removal is likely to cause permanent damage to the premises.
- (7) If the tenant causes any damage to the premises by removing any safety modification, the tenant is to –
  - (a) notify the owner as soon as practicable; and
  - (b) at the owner’s option –
    - (i) repair the damage; or
    - (ii) compensate the owner for any reasonable expenses incurred by the owner in repairing the damage.

**54B. Order of Commissioner in respect of safety modification**

- (1) If an owner of residential premises refuses consent to a safety modification requested under section 54A(3) in relation to those premises, and the tenant of those premises believes the refusal to be unreasonable in the circumstances, the tenant may apply to the Commissioner for an order to authorise the making of the safety modification.
- (2) An application under subsection (1) is to –

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- (a) be in an approved form; and
  - (b) specify the safety modification requested.
- (3) The Commissioner, as soon as practicable after receiving an application under subsection (1) in relation to premises, is to notify the owner of the premises of the application.
- (4) The Commissioner may –
- (a) make an order (a *safety modification order*) authorising the making of a safety modification, if the Commissioner is satisfied that a refusal to consent to the making of the safety modification is unreasonable in the circumstances; or
  - (b) refuse to make such an order.
- (5) The Commissioner, within 3 days of making a safety modification order, or refusing to make such an order, is to notify the tenant, and the owner, of the premises to which the order relates –
- (a) that the Commissioner has made, or refused to make, the order; and
  - (b) of the reasons for making, or refusing to make, the order; and

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- (c) of the right to appeal that decision in accordance with section 54C; and
- (d) that, if an order has been made, the order takes effect on the day after the end of the 14-day period beginning on the day after the day on which notice of the order was given under this subsection, unless the order is appealed under section 54C.

**54C. Appeal to Tribunal in respect of safety modification order**

- (1) On application from an owner, or tenant, in relation to residential premises who is aggrieved by an order made by the Commissioner under section 54B, the Tribunal has the jurisdiction to review that order.
- (2) An application made under subsection (1) must be made within the 14-day period beginning on the day after the day on which notice of the order was given under section 54B(5).
- (3) For the avoidance of doubt, the review, by the Tribunal, of an order specified in subsection (1) is –
  - (a) within the review jurisdiction of the Tribunal; and

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(b) allocated to the Civil and Consumer stream of the General Division of the Tribunal.

**8. Section 64B repealed**

Section 64B of the Principal Act is repealed.

**9. Repeal of Act**

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.