

# TASMANIA

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## RESIDENTIAL TENANCY AMENDMENT BILL 2024

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# **RESIDENTIAL TENANCY AMENDMENT BILL 2024**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*  
1 April 2025

*(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.

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**3. Principal Act**

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

**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;

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\*No. 82 of 1997

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**5. Part 3C inserted**

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

**PART 3C – PETS**

**36Q. Interpretation of Part**

In this Part –

*exempt animal*, in relation to residential premises, includes –

(a) a dog that –

(i) has been, or is being, trained by an approved guide dogs institution or approved hearing dogs institution within the meaning of the *Guide Dogs and Hearing Dogs Act 1967*; and

(ii) is assigned as a guide dog under that Act to a person who resides at the premises; and

(b) a dog that is being trained by an approved guide

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dogs institution or approved hearing dogs institution within the meaning of the *Guide Dogs and Hearing Dogs Act 1967*, if the person conducting the training resides at the premises; and

- (c) an assistance animal within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth that is an assistance animal in respect of a person who resides at the premises –

but does not include an animal, specified under paragraph (c), that is determined not to be an exempt animal by the Tribunal under section 36U(1)(d);

***ineligible animal*** includes the following animals:

- (a) 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*;

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(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*; and

(ii) is not the subject of a certificate 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, if that animal is not an exempt animal or an ineligible animal.

**36R. Keeping animals on premises**

(1) Subject to subsection (4), a tenant of residential premises may –

(a) keep one or more exempt animals on those premises; and

(b) with the consent of the owner of the premises, keep one or more pets on those premises.

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- (2) If a tenant of residential premises wishes to keep one or more pets on those premises in accordance with subsection (1)(b), the tenant is to request the written consent of the owner of the premises.
- (3) A request under subsection (2) is to –
  - (a) be in an approved form; and
  - (b) specify the pet or pets in relation to which the request is made; and
  - (c) specify whether a pet in relation to which the request is made is a dangerous dog, or a restricted breed dog, within the meaning of the *Dog Control Act 2000*; and
  - (d) if the pet in relation to which the request is made is a dangerous dog, specify the manner in which the residential premises conforms to the requirements of an enclosure that complies with the prescribed requirements of the *Dog Control Act 2000*; and
  - (e) be given to the owner of the premises to which the request applies.
- (4) Nothing in this section derogates from the operation of –
  - (a) the provisions of an Act; or



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(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 certain premises.

**36S. Owner must not unreasonably refuse consent to keeping of pet**

(1) The owner of residential premises to whom a tenant has made a request under section 36R(2) must, within 14 days after being given the request –

(a) give written consent to the tenant keeping the pets specified in the request; or

(b) refuse to consent to the tenant keeping the pets specified in the request by –

(i) giving written notice of the refusal and the reason for the refusal, in an approved form, to the tenant; and

(ii) if the pet is not a dangerous dog within the meaning of the *Dog*

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*Dog Control Act 2000*, making  
an application to the  
Tribunal under  
section 36U(1); or

- (c) give consent under paragraph (a) to the tenant keeping one or more pets, and refuse to consent to the keeping of another one or more pets under paragraph (b).
- (2) The owner of residential premises to whom a request has been made under section 36R(2) must not unreasonably refuse that request.
- (3) For the avoidance of doubt, the owner of a residential premises to whom a request has been made under section 36R(2) may refuse to consent to the tenant keeping a pet, specified in the request, that is a dangerous dog within the meaning of the *Dog Control Act 2000*, without making application to the Tribunal.
- (4) The owner of residential premises may give conditional consent to a request made under section 36R(2) as specified in a written consent under subsection (1)(a) if those conditions –
  - (a) are agreed to by the tenant; and
  - (b) relate only to the pets specified in the request; and

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- (c) are reasonable in the circumstances; and
  - (d) do not require an increase to the rent or security deposit payable by the tenant; and
  - (e) do not otherwise contravene the provisions of this or any other Act.
- (5) An owner of residential premises is taken to have consented to a request made under section 36R(2) in respect of those premises if the owner has not given, or refused, consent in accordance with subsection (1) within 14 days after being given the request.
- (6) An owner of residential premises who reasonably believes that an animal, in relation to which no request for consent has been made, is being kept at the premises may make an application under section 36U(1) for an order that the animal may not be kept on those premises.

**36T. Withdrawal of consent**

If the owner of residential premises has given written consent under section 36S in respect of a pet, the owner of residential premises may only withdraw consent to the tenant keeping the pet on those premises if –

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- (a) the owner has given written notice to the tenant of –
  - (i) the owner's intention to withdraw consent in relation to the pets specified in the notice; and
  - (ii) the reason for the withdrawal; and
- (b) the withdrawal of that consent is not unreasonable; and
- (c) the Tribunal has made an order under section 36U(2)(c) permitting the owner to withdraw the consent in relation to the pets.

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

- (1) On application from the owner of residential premises, the Tribunal has the jurisdiction to determine each of the following matters:
  - (a) whether the owner's refusal to give consent to the keeping of a pet, specified in a request made by a tenant of those premises under section 36R(2), is on reasonable grounds or not;
  - (b) whether the withdrawal of consent by the owner of

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residential premises to the tenant keeping a pet or pets on those premises is on reasonable grounds or not;

- (c) whether an animal, in relation to whom no request for consent has been made, may or may not be kept on those premises;
  - (d) whether an animal is, or is not, a pet, exempt animal (within the meaning of paragraph (b) of the definition of *exempt animal*) or ineligible animal for the purposes of this Act.
- (2) If the Tribunal makes a determination in respect of a matter under subsection (1), the Tribunal may make one of the following orders in respect of a residential premises:
- (a) that a tenant of the premises may keep a pet, specified in a request made by the tenant under section 36R(2);
  - (b) that the owner of the residential premises may refuse consent to a tenant keeping a pet specified in a request made by the tenant under section 36R(2);
  - (c) that the owner of the residential premises may withdraw consent to keep a pet, specified in a

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- request made by a tenant under section 36R(2) in relation to those premises, on the premises;
- (d) that an animal is not an exempt animal within the meaning of paragraph (b) of the definition of *exempt animal*;
  - (e) that a pet, or an ineligible animal, must be removed from the residential premises;
  - (f) any other order that the Tribunal considers reasonable in the circumstances.
- (3) On making an order under subsection (2), the Tribunal may provide for conditions and any other ancillary matter, relating to the keeping of a pet on the premises, that it considers appropriate.
- (4) If the Tribunal makes an order under subsection (2)(c) or (e), the order –
- (a) is to specify the period within which the 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 animal to which the order relates from the relevant residential premises

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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 within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*.

**36V. 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 request made by a tenant under section 36R(2) in relation to residential premises, would have any of the following effects:
  - (i) cause a nuisance on the premises;

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- (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 in the circumstances.

**36W. 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 requesting consent to keep a pet on those premises.

**36X. Transitional provision**

If, immediately before the commencement of section 36R, a tenant



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of residential premises has the oral or written consent of the owner of those premises to keep a pet on those premises –

- (a) that consent is taken to be a consent given under this Part in respect of that pet; and
- (b) after the commencement of section 36R that consent may be withdrawn in accordance with section 36T.

**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 –

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

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- (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.
- (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

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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 –
  - (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 –

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- (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
- (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).

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- (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
  - (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.