

c2023-003B
AJP--Animal Justice Party

LEGISLATIVE COUNCIL

Residential Tenancies Amendment (Rental Fairness) Bill 2023

Second print

Proposed amendments

No. 1 **Keeping animals on residential premises**

Page 3. Insert after line 24—

[1A] Part 3, Division 3A

Insert after section 54A—

Division 3A Keeping animals

54B Application of division

- (1) To avoid doubt, this division does not operate to affect the right of a person who has a disability to keep an assistance animal on residential premises.
- (2) In this section—
assistance animal has the same meaning as in the *Disability Discrimination Act 1992*, section 9 of the Commonwealth.

54C Tenants may keep animals on residential premises with consent or Tribunal order

A tenant may keep an animal on residential premises if—

- (a) the landlord has given written consent to the tenant keeping the animal on the premises, or
- (b) the landlord is taken, under section 54E(2), to have consented to the keeping of the animal, or
- (c) the Tribunal has made an order permitting the tenant to keep the animal on the premises.

54D Tenants' requests for consent to keep animals on residential premises

A request by a tenant for the landlord's consent to keep an animal on the residential premises must be—

- (a) in the approved form, and
- (b) given to the landlord.

54E Landlords must not unreasonably refuse consent to keep animals on residential premises

- (1) A landlord must not unreasonably refuse consent for a tenant to keep an animal on the residential premises.
- (2) The landlord is taken to have consented to the keeping of the animal on the residential premises unless, within 14 days after receiving the request, the landlord applies to the Tribunal under section 54F.

54F Applications to refuse consent to keep animals on residential premises

A landlord may apply to the Tribunal for an order that is reasonable for the landlord to refuse consent to keep an animal on residential premises.

54G Tribunal orders—animals

- (1) On application under section 54F, the Tribunal may—
 - (a) make an order that the tenant is permitted to keep an animal on the residential premises, or
 - (b) if satisfied it is reasonable to refuse consent to the keeping of an animal on the residential premises, make an order that is reasonable for the landlord to refuse consent to the keeping of the animal on the residential premises.
- (2) In determining an application under section 54F, the Tribunal may have regard to the following matters—
 - (a) the type of animal the tenant proposes to keep on the residential premises,
 - (b) the character and nature of the residential premises,
 - (c) the character and nature of the appliances, fixtures and fittings on the residential premises,
 - (d) a matter prescribed by the regulations for this subsection,
 - (e) another matter the Tribunal considers relevant.

No. 2 **Transitional provision about keeping animals on rented premises**

Page 3. Insert after line 41—

[5] Schedule 2 Savings, transitional and other provisions

Insert after clause 31—

Part 10 Provision consequent on enactment of Residential Tenancies Amendment (Rental Fairness) Act 2023

32 Application of provisions about animals

- (1) Part 3, Division 3A as inserted by the *Residential Tenancies Amendment (Rental Fairness) Act 2023* does not apply to a residential tenancy agreement in force before the commencement unless the tenant, on or after the commencement, wishes to keep an animal on the residential premises.
- (2) In this clause—

commencement means the commencement of the *Residential Tenancies Amendment (Rental Fairness) Act 2023*.