

New South Wales

# Residential Tenancies Amendment (Animals in Residential Premises) Bill 2024

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Residential Tenancies Act 2010* to prevent landlords unreasonably refusing permission for tenants to keep animals on residential premises.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

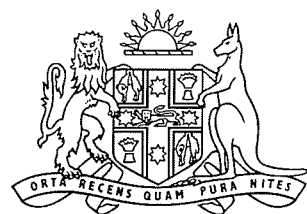
## Schedule 1      Amendment of Residential Tenancies Act 2010 No 42

**Schedule 1[1]** inserts proposed Division 3A (proposed sections 54B–54G) into the *Residential Tenancies Act 2010*.

Proposed section 54B makes it clear that the proposed division does not operate to affect the right of a person who has a disability to keep an assistance animal on residential premises. Proposed section 54C deals with tenants keeping animals on residential premises with the landlords' consent or a Civil and Administrative Tribunal (the *Tribunal*) order. Proposed section 54D deals with tenants' requests for consent to keep animals on residential premises. Proposed section 54E provides that a landlord must not unreasonably refuse consent for a tenant to keep an animal on the residential premises. It also provides that a 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 to refuse consent to keep an animal on the residential premises. Proposed section 54F deals with applications by landlords to refuse consent to keep animals on residential premises. Proposed section 54G deals with the orders the Tribunal may make on application under proposed section 54F and the matters the Tribunal may have regard to in dealing with the applications.

**Schedule 1[2]** inserts a savings and transitional provision into the *Residential Tenancies Act 2010*, Schedule 2 to provide that proposed Division 3A extends to a residential tenancy agreement in force before the commencement of the proposed Act.



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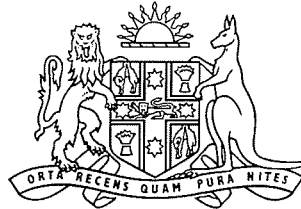
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*This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council*

*Clerk of the Parliaments*



New South Wales

## **Residential Tenancies Amendment (Animals in Residential Premises) Bill 2024**

No , 2024

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### **A Bill for**

An Act to amend the *Residential Tenancies Act 2010* to provide that a landlord must not unreasonably refuse permission for a tenant to keep an animal on residential premises; and for related purposes.

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*The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*

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**Tabling copy**

<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Residential Tenancies Amendment (Animals in Residential Premises) Act 2024</i> .	3
	4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

<b>Schedule 1</b>	<b>Amendment of Residential Tenancies Act 2010</b>	1
	<b>No 42</b>	2
<b>[1] Part 3, Division 3A</b>		3
Insert after Division 3—		4
<b>Division 3A</b>	<b>Keeping animals</b>	5
<b>54B</b>	<b>Application of division</b>	6
(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.	7 8
(2)	In this section—	9
	<i>assistance animal</i> has the same meaning as in the <i>Disability Discrimination Act 1992</i> of the Commonwealth, section 9.	10 11
<b>54C</b>	<b>Tenants may keep animals on residential premises with consent or Tribunal order</b>	12 13
	A tenant may keep an animal on residential premises if—	14
(a)	the landlord has given written consent to the tenant keeping the animal on the premises, or	15 16
(b)	the landlord is taken, under section 54E(2), to have consented to the keeping of the animal, or	17 18
(c)	the Tribunal has made an order permitting the tenant to keep the animal on the premises.	19 20
<b>54D</b>	<b>Tenants’ requests for consent to keep animals on residential premises</b>	21
	A request by a tenant for the landlord’s consent to keep an animal on the residential premises must be—	22 23
(a)	in the approved form, and	24
(b)	given to the landlord.	25
<b>54E</b>	<b>Landlords must not unreasonably refuse consent to keep animals on residential premises</b>	26 27
(1)	A landlord must not unreasonably refuse consent for a tenant to keep an animal on the residential premises.	28 29
(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.	30 31 32
<b>54F</b>	<b>Applications to refuse consent to keep animals on residential premises</b>	33
	A landlord may apply to the Tribunal for an order that it is reasonable for the landlord to refuse consent to keep an animal on residential premises.	34 35
<b>54G</b>	<b>Tribunal orders—keeping animals</b>	36
(1)	On application under section 54F, the Tribunal may make an order that—	37
(a)	the tenant is permitted to keep an animal on the residential premises, or	38
(b)	if satisfied it is reasonable to refuse consent to the keeping of an animal on the residential premises—it is reasonable for the landlord to refuse consent to the keeping of the animal on the residential premises.	39 40 41

(2)	In determining an application under section 54F, the Tribunal may have regard to the following matters—	1
		2
(a)	the type of animal the tenant proposes to keep on the residential premises,	3
		4
(b)	the character and nature of the residential premises,	5
(c)	a matter prescribed by the regulations for this subsection,	6
(d)	another matter the Tribunal considers relevant.	7
<b>[2]</b>	<b>Schedule 2 Savings, transitional and other provisions</b>	8
	Insert at the end of the schedule, with appropriate part and clause numbering—	9
<b>Part</b>	<b>Provision consequent on enactment of Residential Tenancies Amendment (Animals in Residential Premises) Act 2024</b>	10
		11
		12
	<b>Application of provisions about keeping animals</b>	13
	Part 3, Division 3A, as inserted by the <i>Residential Tenancies Amendment (Animals in Residential Premises) Act 2024</i> , extends to a residential tenancy agreement in force before the commencement of that Act.	14
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