

Submission  
No 2

**INQUIRY INTO RESIDENTIAL TENANCIES  
AMENDMENT (PROTECTION OF PERSONAL  
INFORMATION) BILL 2025**

**Organisation:** Shelter NSW  
**Date Received:** 4 March 2026

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Tuesday 3 March 2026

NSW Legislative Council  
Portfolio Committee No. 8 - Customer Service

**Subject: Inquiry into NSW Legislative Council Portfolio Committee No. 8 - Customer Service  
Letter of support for the Tenants Union of NSW**

Dear NSW Legislative Council, Portfolio Committee No. 8 – Customer Service,

Thank you for the [opportunity to provide feedback](#) on the Residential Tenancies Amendment (Protection of Personal Information) Bill 2025 (The Bill).

Shelter NSW writes to express our strong support for the intent and key provisions of the Bill, which is currently the subject of an inquiry before NSW Legislative Council Portfolio Committee No. 8 - Customer Service (The Committee).

Shelter NSW is the state's peak body for housing policy and advocacy. We represent a broad coalition of community organisations, housing providers and advocates committed to ensuring safe, secure and affordable housing for all people in NSW.

We consider the privacy and data-handling reforms in this Bill to be an important and necessary response to the significant power imbalance that characterises the relationship between landlords and tenants, including prospective tenants through the rental advertising and/or application process.

While Shelter NSW has some expertise and its own policy positions regarding tenancy legislation, we tend to defer to the positions of the Tenants Union of NSW (TU) where it comes to tenancy legislation and law reform, given their significant expertise and experience as tenancy legislation experts and practitioners – through the Tenants Advice and Advocacy Services (TAAS) network.

Shelter NSW will not make a formal submission to this inquiry, but we wish to place on record our support for the positions advanced by the Tenants' Union of NSW, particularly in relation to the regulation of rental application processes and the treatment of tenants with pets and companion animals.

## Regulating rental application practices

In an extremely competitive rental market, prospective tenants are often required to provide extensive personal information at the application stage. This may include identity documents, financial records, employment history, and other sensitive data. The scope and format of these requests are frequently dictated by digital platforms or real estate agents (agents), with limited clarity about necessity, proportionality or retention.

Shelter NSW strongly supports provisions in the Bill that:

- Apply the Australian Privacy Principles to residential tenancy entities;
- Limit the collection of personal information to what is reasonably necessary;
- Provide for approved application forms; and
- Require the destruction of personal information collected in contravention of the Act.

These reforms are critical to reducing unnecessary data collection, lowering the risk of misuse or identity theft, and restoring greater fairness and transparency to the rental application process.

We support the recommendations of the Tenants Union regarding the ‘approved form’ for tenancy applications, including the requirement that landlords be prohibited from asking tenants to disclose whether they have pets at the application stage, the recommendation that additional mandatory disclosure provisions be implemented so that tenants have a clear view as to whether they are applying for a property that is suitable for pets, and recommendations around penalties for misleading information and requirements for data collection and deletion.

## Tenants with pets and companion animals

We particularly support the TU’s position in emphasising the importance of regulating how information about pets and companion animals is requested and used at the application stage.

In practice, tenants with pets frequently report barriers to securing housing. While recent reforms have strengthened tenants’ rights in relation to keeping pets during a tenancy, discrimination can occur earlier in the process, i.e. at the point of application. Where application platforms or agents require detailed disclosure about pets in a way that exceeds what is reasonably necessary, this may contribute to indirect exclusion or discourage otherwise suitable applicants.

Clear limits on the collection and use of personal information are essential and will go some way in reducing power imbalances in this process. In our view, regulations made under the Act should ensure that:

- Information requested about pets or companion animals is proportionate and directly relevant to assessing the proposed tenancy,
- Standardised application forms do not facilitate unnecessary or discriminatory questions,
- And information about a pet is not used in a manner inconsistent with the statutory framework governing granting of consent to keep a pet at the premises by the landlord.

These safeguards are particularly important for vulnerable renters, including older people, families, and people with disability who rely on assistance animals. Ensuring fair and transparent application processes promotes both housing stability and community wellbeing.

Shelter NSW agrees with the TU NSW that the current review pet application process is not fit for purpose, and that NSW Government should consider aligning this process with other jurisdictions such as Victoria, the ACT and the NT, by putting the onus on landlords to apply to NCAT if they wish to prohibit pets at rental premises, and providing a 14 day 'grace period' for tenants, as well as requirements for tenants to be able to end tenancies early without penalty if the keeping of pets by them at the property is refused.

## Conclusion

The right to apply for a rental property on fair and transparent terms is foundational to housing security. Shelter NSW considers housing security for people living on lower incomes or otherwise facing disadvantage to be the 'gold standard' for the NSW housing system. Without appropriate regulation, the application process can entrench inequality and undermine recent reforms aimed at improving tenants' rights.

Shelter NSW supports the passage of this Bill and the recommendations advanced by the Tenants' Union of NSW in relation to privacy protections and the treatment of applicants with pets and companion animals. We encourage the Committee to ensure that regulations made under the Act clearly limit discrimination against people who own pets, unnecessary data collection, and reinforce equitable access to housing.

We thank the Committee for the opportunity to place this position on record and would welcome any further engagement as these reforms progress.

**Thank you for the opportunity to provide feedback**

Please contact Shelter NSW Senior Policy Officer, Thomas Chailloux, on [redacted] or [redacted] should you wish to discuss our comments and recommendations further. Should you be unable to reach Mr Chailloux, you can direct general enquiries to [redacted] or on [redacted]

Sincerely,  
Thomas Chailloux on behalf of Shelter NSW.