

Submission
No 12

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

Organisation: NSW Fair Trading

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NSW Fair Trading Submission: Inquiry into the Residential Tenancies Amendment (Protection of Personal Information) Bill 2025

NSW Legislative Council Portfolio Committee No. 8 – Customer Service

Acknowledgement of Country

NSW Fair Trading acknowledges the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past and present and acknowledge the Aboriginal and Torres Strait Islander people that contributed to the development of this Policy.

NSW Fair Trading Submission: Inquiry into the Residential Tenancies Amendment (Protection of Personal Information) Bill 2025

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The NSW Government's commitment to making renting fairer

The NSW Government has made a clear commitment to creating a fairer, more modern rental market.

In 2023, the Government appointed its first ever Rental Commissioner. The Rental Commissioner works in NSW Fair Trading and is a voice for renters, working with stakeholders across the rental market to design and implement significant improvements for renters in NSW.

The Government also made reform commitments to:

- close the loopholes in the existing ban on solicited rent bidding to include owners and third parties
- end 'no grounds' terminations for renters
- make it easier for renters to have pets in rental homes
- introduce new data protection requirements for renter's personal information, and
- implement a portable rental bond scheme.

NSW Fair Trading and the Rental Commissioner undertook extensive public consultation on rental issues in 2023, with nearly 16,000 survey responses and more than 400 submissions received. Throughout 2023 and 2024, targeted consultation with renters, landlords, tenant advocates, real estate agencies and industry stakeholders was also undertaken.

In October 2024, the NSW Government's first tranche of reforms to residential tenancy laws were passed by the NSW Parliament. The changes include:

- requiring a reasonable ground to end a lease – removing "no grounds" terminations
- making it easier for renters to keep pets
- limiting rent increases to once per year
- providing fee-free ways to pay rent, by ensuring renters can pay their rent by bank transfer or Centrepay
- ensuring renters cannot be asked to pay for background checks when applying for a rental property.

These reforms aim to improve housing security for renters, and ensure the right balance between renters and homeowners, without adversely impacting housing supply.

The Government continues to work on its other reform commitments, with laws to improve protections for tenants' personal information introduced to Parliament in June 2025 and a new portable bond scheme to be made available this year.

NSW Fair Trading's role in regulating residential tenancies

NSW Fair Trading plays a critical role in protecting and empowering consumers, supporting businesses to operate with a framework of fairness and transparency, and maintaining fair trading practices across a range of industries.

In relation to the rental market, NSW Fair Trading and the Rental Commissioner are working to deliver a fair, quality and affordable rental market for renters and landlords through reform, education, compliance and enforcement.

The legislation that underpins the regulation of the rental market is the Residential Tenancies Act 2010 and associated laws.

NSW Fair Trading's responsibilities include:

- providing information and guidance for tenants, landlords and agents about their rights and responsibilities under the Act
- educating consumers and raising awareness to help the public understand rental laws and avoid common issues
- promoting fair and transparent leasing practices
- oversight of the rental bond system, including administering bond lodgement and refunds, and providing information to tenants and landlords
- monitoring compliance with residential tenancies laws, investigating complaints and breaches, issuing penalty notices and taking appropriate action against unlawful practices, and
- regulation of real estate agents and property managers through the *Property and Stock Agents Act 2002*.

The NSW Rental Commissioner

In July 2023, the NSW Government appointed Trina Jones as the first NSW Rental Commissioner. The Rental Commissioner works within NSW Fair Trading in the Department of Customer Service to deliver a fair, quality and affordable residential rental experience in NSW.

The Commissioner's key functions include:

- leading consultation and drafting of legislation to create fairer rental laws
- implementing a portable rental bond scheme
- identifying barriers to increasing housing supply for renters
- identifying practices and gaps that erode the rights of renters
- leading initiatives including educational resources for renters and landlords to increase knowledge of their rights
- gathering data on renting, monitoring the impact of reforms and surveying renters to help inform future policy making; and,
- identifying ways to improve energy efficiency of rental homes.

NSW Rental Taskforce

In June 2024, the NSW Government announced its plan to establish a Rental Taskforce within NSW Fair Trading to help deliver the Government's plan to create a fairer rental market. The Rental Taskforce, led by the Rental Commissioner, commenced in December 2024.

The Government has invested \$8.4 million to deliver inspectors and support teams to engage with renters, target poor quality rental homes and address rental law violations, as part of the most significant rental reforms in more than a decade.

The Taskforce analyses activities and trends within the rental market and conducts compliance activities such as inspections, audits and blitzes to prevent and act on breaches of the law. It supports landlords and agents to comply with the new rental law requirements.

The NSW Rental Taskforce is a multi-disciplinary team with new and existing resources drawn from across NSW Fair Trading. This ensures Fair Trading is well-equipped to enforce new and existing rental rules effectively, helping to protect renters and uphold the integrity of the rental market.

The regulatory priorities for the Rental Taskforce in 25/26:

1. Unlawful Terminations and Evictions

We will prioritise compliance and enforcement action against unlawful residential tenancy terminations to ensure tenants' rights and responsibilities are upheld across NSW.

2. Unlawful Lockouts

We will act on complaints and intelligence about landlords, agents or other third parties illegally denying access to tenants' homes.

Inquiry into the Residential Tenancies Amendment (Protection of Personal Information) Bill 2025

NSW Fair Trading welcomes the opportunity to make a submission to the inquiry into the Residential Tenancies Amendment (Protection of Personal Information) Bill 2025.

It is understood that the Bill has been referred to the Committee to examine potential unintended impacts of the proposed legislation on pet owners, and how they may be better protected. The media release indicated the inquiry would examine the proposed regulation-making power to prescribe the information that may be collected from tenants when applying for a rental property.

This submission responds to those matters, noting the terms of reference are not expressly confined to them.

Participatory consultation

In developing rental reforms that commenced in May 2025, NSW Fair Trading undertook extensive public consultation. More than 16,000 survey responses and 400 long-form submissions were received from renters, landlords, agents, property technology companies and community members.

Fair Trading engaged directly with tenants, landlords, agents, advocates and academics. This also included animal advocacy organisations, including the RSPCA, Animal Care Australia, Animal Welfare League NSW, Cat Protection Society, Animal Liberation and the Pet Welfare Foundation and Lucy's Project. This involved several workshops to advise on the policy positions and design effective implementation and public education and guidance.

These stakeholders highlighted the wellbeing benefits of pet ownership and the barriers renters face compared with property owners. Many raised concerns about pets being surrendered due to widespread "no pets" clauses and power imbalances that previously allowed landlords to end a tenancy without reason. The earlier pet reforms and ending no-grounds evictions sought to ensure pets could only be refused for limited and reasonable reasons, enforceable through the Tribunal.

Reducing discrimination for pet owners who rent

Renters regularly report difficulty in securing rental homes with a pet and that their applications are not considered fairly and they are often ruled out purely based on pet ownership without further enquiry into the suitability of tenant or the pet for the home. The Bill includes power to approve a tenancy application form in section 210D and restrict the collection of personal information to specified purposes in section 218A. The final form of the standard rental application form will be settled following consultation.

The Bill proposes an amendment to the Residential Tenancies Act 2010 by inserting a new provision, s.73B(1A), allowing tenants who enter a new residential tenancy agreement to keep an animal at the premises while awaiting a response from the landlord, provided the tenant applies for approval within seven days, under the existing approval process.

The objective of the amendment is to ensure tenants are not immediately in breach for keeping an unapproved pet, nor placed in a position of having to rehome an animal while awaiting a decision. A seven-day timeframe was considered a reasonable period for tenants to make the application, while still ensuring it is made in a timely manner.

The proposed amendment seeks to complement reforms that commenced in May 2025, which made it easier for renters to keep pets. Under those reforms, that are now in force, landlords can only refuse a pet on limited, prescribed grounds.

The reasons a landlord can refuse a pet are:

- the number of animals at the property would be excessive,
- the property is unsuitable for the animal because of inappropriate fencing, lack of open space, or because the nature of the property means the animal could not be kept there humanely,
- the animal is likely to cause damage exceeding the rental bond,
- the landlord lives at the property,
- keeping the animal would contravene other laws, local council rules, strata or community scheme by-laws, or a residential community rules, or
- the tenant did not agree to a reasonable condition for keeping the animal.

Tenants can apply to the Tribunal if a refusal is not based on a lawful ground.

Whether the prescribed grounds for refusal apply will vary by animal. For example, fencing will not be a relevant consideration for aquarium-based pets and local council requirements will differ by species. Imposing disclosure requirements on landlords relating to the various grounds was not pursued, as tenants are best placed to assess whether the grounds are relevant to their circumstances.

Tenants with pets will seek a property suitable for their animal. The limited grounds for refusal should enable renters to make informed enquiries before entering a tenancy – for instance, assessing fencing or outdoor space, confirming whether the landlord resides on the premises, checking council rules, or considering whether their pet is likely to cause damage exceeding the bond.

NSW Fair Trading has invested in an extensive information and education campaign to ensure broad understanding of rights and responsibilities relating to rental reforms. This includes dedicated funding to the RSPCA for community education and resources for renters on responsible pet ownership. Website traffic to the NSW Government Pets in Rentals information page demonstrates strong and sustained access of guidance following NSW rental reforms. In FY24/25, the page received 56,322 views between November 2024 and June 2025, followed by a further 41,209 views between July and December 2025. The volume of visits indicates that renters and landlords are actively seeking information about pets in rental housing.

Pets must be considered on application

Prior to the NSW rental reforms, the prevailing norm in the private rental market was the routine exclusion of tenants with pets. REA PropTrack data illustrates this clearly: in FY22, only 10.9 per cent of rental listings (39,950 listings) explicitly allowed pets, meaning almost nine in ten listings effectively advertised a “no pets” position. While this proportion increased to 13.9 per cent in FY23 (44,317 listings) and 14.6 per cent in FY24 (42,071 listings), the data confirms that the majority of rental properties historically signalled that pets were not welcome.

The prohibition on advertising blanket “no pets” conditions directly responds to this entrenched market behaviour. Rather than permitting automatic exclusion at the advertising stage, the reform is

designed to require landlords and agents to consider pet requests on their individual merits, taking into account the specific property, the type of animal, and the circumstances of the tenancy.

This represents a deliberate cultural shift away from default refusal and toward reasoned decision-making. By removing “no pets” as a pre-emptive filter, NSW rental reforms seek to rebalance power in the application process, reduce systemic exclusion of pet-owning households, and better align rental practices with contemporary expectations that renting should support long-term stability and normal household life, including companion animals.

Following the commencement of the earlier pet reforms, NSW Fair Trading proactively reviewed over 20,000 rental listings from July 2025, identifying 200 listings that contravened this requirement and took compliance action resulting in seven Penalty Infringement Notices valued at \$3,080 and over 100 warnings being issued to agents.

The broader aim of the pet reforms is to support a cultural shift in which landlords expect tenants may keep animals unless a lawful reason for refusal exists.

NSW Fair Trading

4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

PO Box 972
Parramatta NSW 2124

W: www.fairtrading.nsw.gov.au