

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 8 - CUSTOMER SERVICE**

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

**At Preston Stanley Room, Parliament House, Sydney on Monday 16 March 2026**

**The Committee met at 09:30.**

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**PRESENT**

The Hon. Emma Hurst (Chair)

The Hon. Mark Buttigieg

The Hon. Aileen MacDonald (Acting Deputy Chair)

**PRESENT VIA VIDEOCONFERENCE**

Ms Abigail Boyd

The Hon. Wes Fang

The Hon. Peter Primrose



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**The CHAIR:** Welcome to the first hearing of the Committee's inquiry into the Residential Tenancies Amendment (Protection of Personal Information) Bill 2025. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Emma Hurst, and I am Chair of the Committee.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

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**Mr TROY WILKIE**, Senior Government Relations Manager, RSPCA NSW, affirmed and examined

**The CHAIR:** Welcome, and thank you for making the time to give evidence today. Would you like to start with a short opening statement?

**TROY WILKIE:** I would, thank you. It'd be more effective if we were all here, but perhaps those online can also participate with a virtual hand or something, but hands up who here has or has had a pet? Keep your hand up if you loved that pet. That's unanimous. Fantastic. Reflecting on that same pet that you love, how would it feel to surrender it to a pound despite not wanting to? People who rent are forced to surrender their pets, against their will, every day. Of all the animals surrendered to RSPCA NSW, around 20 per cent are surrendered solely because they cannot secure rental accommodation with that pet and 50 per cent is due to cost-of-living pressures, with rental costs a major component. Some may say these families are surrendering their pets and they're irresponsible. I say their situation is a natural and foreseeable consequence of a system that demands they make a 15- to 20-year commitment to an animal while they're only given a one- or two-year commitment to stay in their current home.

We know people with pets live longer and have fewer health problems, and that renters want pets but can't have them. Seventy per cent of all New South Wales homes have a pet and 30 per cent of rented homes have a pet. This shows the huge impact renting has on pet ownership. These impacts are multiplied for our community's most vulnerable. We help more than 100 families each year through our domestic violence community program. We don't advertise that program; it would never meet demand. There have been clients in this program who were first brought to our attention because we got an animal cruelty complaint about a woman sleeping in her car with her kids and pets. Now rather than prosecute them under animal cruelty laws, we look after their pet while they get back on their feet, to be reunited later on.

Recent surveys have shown that around 50 per cent of victim-survivors delay leaving domestic violence situations because they're worried about the safety of their pets. Given that we don't advertise this program and it only helps those in very desperate situations, imagine how many women are living in an abusive relationship today because they can't find accommodation that allows their pet to come with them. How many heartbroken families are surrendering their pet today, or this week, or this month, in a desperate attempt to jettison rental application baggage and secure a home? We are grateful for the bipartisan reforms to date that have improved the Residential Tenancies Act. I hope we can make further improvements that will also improve the health and wellbeing of our communities by making rental accommodation more pet friendly. In our submission, RSPCA NSW set out simple, practical solutions to improve the implementation of the reforms contemplated, and I look forward to discussing those with you today.

**The CHAIR:** Broadly, how difficult is it to rehome a cat or a dog in New South Wales right now, especially with very little notice?

**TROY WILKIE:** It's very difficult. All of our pounds and rehoming organisations, including RSPCA NSW, are constantly at capacity. Our foster care networks are at capacity and that is because we are having longer length of stays that have increased, particularly, I'd say, in the last few years since COVID. We did have a rise in the number of people having a pet, and then, with that larger number of pets in the community and very significant cost-of-living pressures, including rental pressures, there have been a lot of people who have needed to try to surrender that pet. That has caused a really big issue right across the entire network. Length of stays are much higher right now than they have been historically, even pre-COVID, in normal times.

**The CHAIR:** Under the Government's bill you'll be allowed to keep an animal at a rental property for a very short period of time while you're putting in an application to keep that animal. However, if that animal is refused, the renter has to immediately remove the animal or they'll be in breach of the lease. How practical is that, given what you've just said?

**TROY WILKIE:** I don't think it's very practical at all. I think it's one of those things that hasn't been contemplated in the bill—it's currently silent on—that needs to get clarified in the bill to make sure it's implemented correctly. There's a couple of things that you raise that we've touched on in our submission, the first being that they've got seven days to apply. Moving is not fun. Having seven days to apply for the pet after having moved in, I don't think is quite enough time. I think 14 days would be more appropriate. We've put that in our submission. There are two pathways. Either they apply and it's a yes, which is then a straightforward, no-problem scenario or they apply and it's a no. That can then lead to more pathways. In each of those different no pathways, the bill is silent on what they can do with that pet.

So they get told a no. If they accept that no, how long do they have to have that pet no longer in the property? The bill doesn't say anything. We're saying 30 days would be appropriate. It gives them a month to try and find what they're going to do. If they do apply to NCAT to try and have that decision contended, again, the

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bill is silent on what happens in that situation. It might be a few months until the NCAT listing, and then it might be some time after that until they have a decision, if it's a deferred decision. During that time where it is contested, what's going to happen to the pet? It can't stay in that property. We say the pet should stay there. It's already been there. The bill is trying to create a situation where the pet is able to stay in the property until it's a definite no. We think that we should make it very clear that there isn't a definite no if it's still being contested and going through that process. Throughout all of that, there should be a 30-day opportunity for the pet to remain in the property until it's resolved.

**The CHAIR:** I want to talk about particularly vulnerable groups of people. I assume that a lot of these vulnerable people end up coming to the RSPCA in these situations, having to choose between potentially their home or an animal, particularly people with homelessness or people—you mentioned this in your opening statement—leaving violent situations. What sort of amendments do you think will really help them? I imagine one of the big issues would be that if they get a no from the landlord, they may not necessarily want to go to NCAT. In 30 days they may not be able to rehome their animal or they may not be open to rehoming their animal. What other things can we do, or what amendments can be put in to ensure that these vulnerable groups are protected in those situations?

**TROY WILKIE:** Insofar as amendments to be made, some big ones that would help is to make sure that there is a penalty-free termination in a situation where they do get a final no. If the end result of the process—either a long or a short one—is the pet can't stay there, they should be allowed to terminate and leave the property within a set time frame without having penalties apply to them. That way they're not going to then have some huge financial burden pushing them to have their pet be rehomed or try to surrender it somewhere or face these huge penalties of moving. Some other things would be really key with regard to what you're describing, though, and it's not even people who are in the most extreme and desperate situations like leaving domestic violence or being homeless or anything like that.

We at RSPCA NSW see people right across the State in all walks of life and everyone has got different levels of capacity themselves. Not everyone has got—you might say it's fair that everyone can just go to NCAT and appeal it, but that's like telling a elephant to climb a tree. For some people, it's just not going to happen, whether it be because of their level of education, their SEA background and they just don't feel the confidence to stand up for themselves against professionals like real estate agents or any number of other reasons—even just having the time to do it. If you're a parent or a single parent and you're navigating that system by yourself, it's a really exhausting thing.

We haven't quite gotten the message out there, even to the professionals. I recently moved in October last year, which is a year after the laws were changed to allow pets to be friendly, and a very big strata company and a very big rental company both did not follow the law. I was told to pay \$300, non-refundable, to pay for the application at strata to be assessed. Luckily, I know the Act very well, so I could tell them why they couldn't do that. The same when I wanted to get a pet. They said it'll be every six months for a full clean and fumigation. I said, "You can't do that," and I referred them to it. I'm in a very unique position where I can point to those parts in the legislation, because I was very involved in the consultation for that legislation. Not everyone has that same benefit. Most people have a life, which is good for them, and they shouldn't have to.

I think that the biggest thing in all these reforms is the onus. There's a huge onus on the tenant to know the Act, navigate NCAT, navigate the whole situation, stand up for themselves against professionals who are asserting things that might even be illegal or against the Act, but asserting them with great conviction. That's just not really possible. I do think it would be far more straightforward to have the professionals in the industry—the practitioners—educated on what to do. I do think it would be more appropriate that those same practitioners are the ones who have to go to NCAT to try and make a home not pet friendly if they so choose to do so with their landlord.

To the education part of it, in general I think a lot more needs to get done both with practitioners and the public to make people have the confidence. There's a lot of amendments in the submission. Some I've touched on; some are in there for taking. That would help. But if people don't know about those protections being there, they still feel like they need to try and surrender their pet because they keep on getting knocked back. It's quite difficult to get an application. This is one thing they can do that might help them secure a home. That is going to be a really emotional and tough decision to make, but people have to have a place to live.

**The CHAIR:** Since the new laws came in that proposed to help renters to have pets in their rental properties, has RSPCA seen any drop in the number of surrenders for that reason, because they can't find a rental property? Or is it the same?

**TROY WILKIE:** No, we haven't. It's maintained at a historically high level of around 20 per cent, stating that that is the reason, which is the best data to go off to see the impact. Our surrender waitlist numbers fluctuate

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on a whole bunch of reasons, including internal ones like our current capacity or inspectorate seizures and all sorts of different things. The actual percentage of people who are citing that as the primary reason or the sole reason hasn't really changed or fluctuated. But these things are not going to be an overnight change in circumstances, because people have already got leases and they're going to see those ones out. As I say, it's about education. Once they know "I've got a system where I can get a pet. I can move with the pet. I'm pretty protected and I feel confident in that system" is when we're going to see those numbers hopefully ease down.

**The CHAIR:** I want to get a bit more information about the impact on shelters, rescues and pounds if these changes went through as they are. Do you think that we could potentially see an increase in abandonment or animals being killed in pounds because of that whole switch to a no and suddenly that animal immediately has to be removed?

**TROY WILKIE:** Yes, absolutely. If people are having to face all sorts of fines and consequences for having their pet, they're going to try and get it out of their property quickly. That's going to lead to desperate situations of leaving it tied to a fence at a pound or an RSPCA, which happens all the time, leaving it out in a forest or abandoning it in a park, just letting it run or stray. Those are the bad case scenarios. The better case scenario is bringing it in, filling out the surrender form and potentially making a financial contribution to that. But that still then creates a huge intake problem where we've got more animals than ever needing to be rehomed. That, of course, is going to lead to pressure across the system that will lead to increased euthanasia rates of animals that otherwise were in homes and had people who wanted to care for them. It was a great situation. We've got a family with a pet. They're all going really well. There's no need to change anything. It's being forced upon them because of rental laws or changes as they go through the system.

**The CHAIR:** One of the recommendations in your submission was that landlords or agents should be required to make certain disclosures relevant to keeping an animal. Can you explain why you think this is beneficial? I guess it's beneficial both for renters for landlords, if you could take both perspectives.

**TROY WILKIE:** I come at this as a former real estate agent and a former landlord, and then also as a renter and from the RSPCA, so I do kind of take all these different sides of it into account. High turnover is bad for landlords, estate agents, properties and renters. Things that are a matter of fact, like if there is co-habitation of a property that might not be clear—it might be a large acreage with two homes and you think that they're separate, but they're actually co-located properties; therefore, they could say the pet can't live there on that basis—that should be disclosed up-front at the application stage to make sure they know.

I also think that if the property has gone to NCAT and they've had a successful decision to not have a pet at the property, the kind of pet and the reason why should be disclosed. It might be that a medium dog was prevented from being at this property in a previous decision because of the very rare, irreplaceable venetian tiles that would be otherwise scuffed. That might not apply to a cat, so the cat can still be taken into consideration. We don't want a situation where a landlord is continually having people move in with a dog and then having to move out with that dog because of this particular property not being pet friendly. It should be disclosed. Those are the ones that are actual matters of fact that should get disclosed. That should be the limit of it. We shouldn't have the ability for agents, in my opinion, to say, "We can't say no pets, but for this one you definitely wouldn't be able to have a pet because it's got this." They may mislead people in that process when it's not a matter of fact.

I also did have one other thought after I put the submission in. I actually had it this morning walking over here. People often get rental references from agents through the application website, so the renter does not actually see what is said about them from their current landlord and what goes to the new landlord. It would be normal practice at the moment that an agent would disclose if they've got a pet in that reference. It might be a good thing, saying that they look after their pet really well and there's no problems, but even that is going to currently be a loophole that is not closed, where the person might then go, "Now we've found out they have a pet and we don't like that." Even a good pet owner is then having information disclosed about them. There needs to also be an amendment that says that estate agents or those providing references in any form don't disclose information about pets to the agent.

**The CHAIR:** In your submission, you made a whole lot of recommendations about how the bill could be improved in the confines of the current regime. I note that you've already discussed a little bit some of those amendments. You've also discussed some of the bigger problems that are caused by the bill in the first place. Some of these, like allowing people to keep their animal at the property when they apply to NCAT, and some of the other ones in regards to data collection, measuring the operations of the reforms, supporting education and transparent reporting—can you talk through some of your amendments and primary amendments, and why you think they're really important?

**TROY WILKIE:** I'd be very happy to. The primary ones were all with regard to what to do if you get a no. After the very first no, they should have 30 days to apply to NCAT. The whole way through, they should have

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30 days to then be able to vacate without penalty. They apply to NCAT. While that's happening, they should be able to have the pet there. If they end up with a decision that the pet can't be there following NCAT, they should then have another 30 days to either find a new home for the pet or to vacate the property. That gives them absolute security throughout the entire process to keep the pet in the home. We already barely, in our crisis support programs, can cover those who are homeless or experiencing domestic violence.

Adding a new criteria of a crisis program—a short-term stint of caring for a pet—it would be impossible to meet demand and could be a really difficult situation where they end up getting a yes, but through the process they couldn't have had the pet so they've already surrendered it somewhere. It might've been rehomed. It might've been put down. That would be a terrible consequence that was entirely avoidable. I would note, at the outset, that landlords are protected through the Residential Tenancies Act to always have the ability that the tenant has to make good, so they've already got a protection that makes the property come back to them as it is or as it was given to that tenant. Otherwise, they're going to face financial penalties.

You don't have to then have a whole bunch of other regulations and rules around ensuring that happens anyway. You can always repair a property at a cost, and the cost, if it's the fault of the tenant, should fall to them. It's much harder to replace an animal that's been put down during the process of applying through NCAT, so let's protect the things that aren't replaceable. The landlords are already protected throughout the process. With regard to data, if you don't measure it, you can't improve it. We have no idea how many people are currently applying for a pet and getting a yes or a no and the reason for those nos. I think that Service NSW is very well placed to be able to capture that data so we can have a look at it and see. These reforms that are already in place might be working really well, or they might not be. We wouldn't know, so how can we possibly make more changes to it or improve it down the track?

When you do rent a property, you go through registering a bond, and I was thinking about it and I thought, you've already got the estate agent or landlord having their email address, which is a Service email address on their end, and then the same thing for the tenant. That would be a very appropriate online and, therefore, measurable place to have them apply for the pet and for them to be able to assess it and come back with an answer. In that way, the applications and the answer would all be recorded digitally, and we could then have an export every quarter of what's taken place in the market to know how many applications there are, what the outcomes are, and the reasons for those outcomes. I think that'll be just a no-brainer to know that.

I also think that enforcement—we don't currently have particularly hard enforcement on practitioners who might be misleading people who are applying or people who are in a rental property. That needs to get changed, for the very reason I experienced last October when I moved. They might have been ignorant to the reforms, or they might have an internal policy where they just try it on and then, if they can get the fee or get the conditions put in, hooray! And if they do push back, they'll just waive it. I would have no way of knowing, and there's no point really reporting them because nothing would even happen at the moment anyway. That needs to change to try to help businesses to want to make sure that their staff are educated or it's going to face some sort of penalties. That enforcement needs to get beefed up. This current reform does a bit of that but not entirely.

There also needs to be data collected about the enforcement because we have no idea how many people are still facing a situation where they're being misinformed by a professional and taking that at face value without questioning it or looking up the Act, or how many are making complaints about them. We just don't know what's going on out there, so I think that there are some pretty obvious KPIs to measure to understand whether or not this is working.

**The CHAIR:** If we took on all the amendments that are proposed today and they passed, for example, do you still think that, given the other issues that you've already raised in regard to the current set-up with the—

**TROY WILKIE:** The onus factor, yes.

**The CHAIR:** —tenants having to go to NCAT, we really need to keep an eye on these reforms for any other unintended consequences once those amendments go through?

**TROY WILKIE:** Yes, I think that collecting data about what is happening is always going to be something which will then help legislators make improvements to the legislation. I don't see why anyone would want to be in a decision-making position of power and not have all of the information. I think that when data is easily collectable and obtainable, it should be—for the reason that I outlined—there to improve the Act and make sure that it's working in the way that we want it to. It may also show that there are huge burdens being applied to practitioners and landlords, for all we know, that aren't currently being measured. It goes both ways of actually having the data and knowing how many applications are happening. How many are going to NCAT? Are we clogging up the NCAT system by having them all go straight there? Should there be a different pathway for these?

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We won't know any of that without collecting data, and the data won't lie. It's objective, and it would be helpful for all the people involved in these discussions and for decision-makers.

**The Hon. MARK BUTTIGIEG:** Thanks for appearing, Mr Wilkie. I've got a question about the Queensland model, where renters are encouraged to discuss pets with their landlord before entering a lease. Have you got any commentary around the functionality of that?

**TROY WILKIE:** I would say that having that function just creates a situation where the landlord and their agent are then aware of either the intent or current circumstances with regard to pets for that tenant, and that creates—whether it be conscious or unconscious—biases towards those who may not have a pet. I totally understand that a landlord wants to minimise impact to their property. That is a very natural thing to want and some will think that having a pet there is going to cause the opposite, and they're going to have a bias towards those applying that don't have a pet. That's our current situation in this State, where you're having to disclose whether or not you have a pet or even potentially the intention of having a pet. This Government bill does a very good job of making that silent, at least, so that a person can apply without that being a reason to accept or reject that person's application.

**The Hon. MARK BUTTIGIEG:** Predisposed bias.

**TROY WILKIE:** Yes.

**The Hon. MARK BUTTIGIEG:** In terms of the application form asking specific questions about pets, what's your view on that?

**TROY WILKIE:** It shouldn't have it in there if we want to try and meet the objectives of the Government's bill, which is that it is taken away from being a deciding factor for agents and for landlords. I think having a standardised form is a no-brainer for a lot of other reasons that aren't really related to pets. But in terms of privacy reforms, it's excellent to standardise that and also for ease. If people can get used to filling out one particular form for each place they're applying for, that's going to make a lot less burden on tenants—people across the State.

**The Hon. AILEEN MacDONALD:** From a legal perspective, do you think the bill balances, say, tenants' rights, landlords' rights and pet welfare considerations?

**TROY WILKIE:** I wouldn't say that it balances them well.

**The Hon. AILEEN MacDONALD:** Adequately balances, I should say.

**TROY WILKIE:** Yes. I'm trying to be fair-minded and objective in my answer. I don't think I would be able to agree that it balances them well unless the onus was changed with regard to who has to apply to NCAT and navigate that system. I do find any legal process to be a challenging one, and I am well placed to navigate it personally. I think that there are many in our community that it's just not possible for. I think it's appropriate that the paid practitioner—who is in that space and would be able to learn it properly as part of their certificates and their training in their place of work—be the one to do that, rather than the onus being on the tenant. That aside, if that's just impossible, which it probably is, if we did pass amendments or amendments that are in the submission that take it as it is and put those through, I do think it then gets the balance right for a landlord to be able to assert a need to be able to say no to a pet in the circumstances which have already passed as being the reasons why. It takes away the ability to have a bias towards non-pet owners and applicants, and therefore it does get the balance right, by and large, if those protections are in place while navigating the NCAT process—whoever's the one with the onus of navigating it.

**The Hon. AILEEN MacDONALD:** You've basically clarified the onus should sit with landlords to seek refusal through NCAT rather than—

**TROY WILKIE:** Having to put an appeal through as the tenant. You've got to have a certificate to be a practising real estate agent, and most properties are leased through that. It's a process that they'd be dealing with a lot in their job, anyway, so they're very well placed to have that—at least initial—burden upon them rather than upon the tenant. It's even just easier to educate them. There might be tens of thousands of estate agents that have to get educated on how to navigate the process, whereas it's millions of renters in this State. You're looking at going, "Well, who do we try and get across this detail and understanding of the system?" It's much easier to educate the tens of thousands, rather than the millions, so even just from that practical standpoint, it would be the appropriate mechanism.

**The Hon. AILEEN MacDONALD:** Do you think allowing tenants to sign a lease before knowing whether their pet will be allowed creates unnecessary risk?

**TROY WILKIE:** I don't. Given that there are defined reasons for refusing a pet, we're effectively in a situation now—which is a good thing—that properties are pet friendly, bar for some very particular reasons. It

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would be the minority of properties that fall into those particular reasons, so therefore by and large most people will move in, apply, have a yes because the reasons for no are not appropriate for that property and then be able to keep the pet. I think it gets it right for the vast majority, and that's a great thing. I just have these concerns with regards to those who get a no, and then have—

**The Hon. AILEEN MacDONALD:** Only seven days.

**TROY WILKIE:** They've got no time, then, from that no to have the pet even in that property. That same day they have to try and have it out of the property or be in breach of their rental agreement, which isn't practical.

**The Hon. AILEEN MacDONALD:** Would allowing pets to remain whilst the tenant seeks that NCAT review prevent unnecessary surrender?

**TROY WILKIE:** Yes, absolutely. As I was alluding to before, I'm particularly concerned about a situation where a person gets told no and then that same day they have to try and have the pet not in their property anymore. And then it might be a few months later, they finally get the yes through NCAT. Have they been able to secure that pet a place where they can then get it returned back to them, or has it already been rehomed or put down? Or have they had to abandon it in less than ideal circumstances by leaving it in the park, tying it up to a fence, those sorts of things which—

**The Hon. AILEEN MacDONALD:** I know you've already talked about data collection, but how would you recommend statewide data on pet applications? Would it be the applications and then also the outcomes? What gaps would you see in the current system—that there isn't one?

**TROY WILKIE:** In the current system there is no data collection at all, and the process is ad hoc, so it might be that a person is applying to have a pet in their property within seven days of moving in, via email. The estate agent might then say, "We don't do emails. Fill in our form." So there's no standardised form for applying for that pet. The whole thing is completely ad hoc, and no data is being collected. I'm not in the department so it might not be the actual best way, but the best way I can think of it being done is through the bond portal, which is already going to have to get a huge revamp for the portable bond scheme to get implemented that everyone is on board with.

In that portal, there should be, "I want to apply for a pet." Put in the information on a digital form of the characteristics of the pet or any other information about the pet, submit it, and then the decision is also delivered through that same portal, and one of the eight reasons for saying yes or no is recorded. That would just give us an overall amount of how many pets and what kind of pets people are applying for, and then what the outcome of them is—yes, no, NCAT referral, or not. That would be a starting point to understand what impact this is actually having in the community.

**The Hon. AILEEN MacDONALD:** If the RSPCA could only put one single amendment to the bill, what would you recommend to prevent unintended consequences of the bill?

**TROY WILKIE:** It would be one really big, long amendment that does all the things that are in my submission. I don't think you could have 30 days to hold the pet while deciding to apply to NCAT and not have 30 days after the NCAT decision. I think all of them are about giving around a four-week window of going, "Okay, I got a no. What do I do from here? Do I move out or do I go to NCAT?" Then going through the NCAT process, which obviously should be held. Then at the end of that process, whatever decision is made, being able to have a couple of weeks to make a decision about them, their property, their pet and what's going on is just appropriate for people.

**Ms ABIGAIL BOYD:** Apologies I'm not there today. I'm feeling a bit under the weather. I am at home with my pets, and I did put my hand up at your questions earlier. I wanted to ask you just one quick one. I understand that there was quite a bit of consultation on the bill prior to it being announced. It has been put to us that there were significant changes between the version that was consulted on and the version that was then made public or finally announced. Were you consulted on this bill and did it change from the version you saw to what has ended up being released?

**TROY WILKIE:** The consultation process is one that is of non-disclosure. But it has already been ventilated in the SMH system a week ago, and a bunch of times before that, in that there was a different version and there were changes made at the eleventh hour to the bill that was passed in October of last year—sorry, two years ago. I think that it's already public knowledge that there was a different bill contemplated and consulted upon that did have some changes made to it.

**Ms ABIGAIL BOYD:** The RSPCA signed a non-disclosure agreement, then?

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**TROY WILKIE:** I don't think I've signed one. I think it's just the way, in the distribution of things, you get told, "This is being sent with some confidentiality, so have a look at it and provide feedback." That is a really important part of the whole process on either side. Our feedback or things that have been contemplated by the government of the day is pretty standard that there are confidentiality agreements with that. But, as I say, I don't think it's creating any real headlines for anyone to say that, yes, there were versions that were consulted upon and then there was a different version that was put through the Houses.

**Ms ABIGAIL BOYD:** Is your actual feedback, though, on that bill also subject to an understanding of confidentiality? I understand, if you have been given a version ahead of time, that it's given to you not for you to go and disclose it to the media but to get your feedback. Is your feedback then also confidential? Are there any restrictions on what you can then talk about, in terms of what you have said?

**TROY WILKIE:** I'm not a lawyer. I would have to take that on notice, if you really wanted the right answer, and talk to a lawyer. I'm not sure. We don't really say, "This is confidential and it's our point of view." But, overall, the process does work best when there is an element of confidentiality and we can then have a more robust discussion. But, that being said, we have then separately, as with this submission, given public feedback with regard to these reforms. I think that the biggest change we would make to the reforms that have already come and to the reforms that are forthcoming is who we are putting the onus on to try and navigate the NCAT system and have that burden. That's the big one that we could fix that would really alleviate millions of people from knowing about, learning about and navigating a complex system versus the actual professionals and practitioners in the sector that are in the tens of thousands.

**Ms ABIGAIL BOYD:** So that is the major change that differed from the version you were consulted on to the version that was then put out, as has been reported?

**TROY WILKIE:** I would say that's the major change that we have continually been advocating for across the process—that you would try and minimise the number of people that have to have an in-depth awareness of the legislation and navigate that legal process through NCAT or otherwise.

**Ms ABIGAIL BOYD:** Thank you for your submission. Your recommendations are excellent.

**The CHAIR:** You were talking before about being able to look at this from a point of view of landlords, a point of view of tenants and also a point of view of the animal welfare. If the bill passed as it is, without the amendments, do you think that there's a risk that tenants would feel that it's safer not to declare that they have got animals and actually hide them in the properties due to the fact that there is so much uncertainty if the landlord says no?

**TROY WILKIE:** Yes, absolutely. That's already happening. It raises a great point. I do think that landlords should know about who is occupying their property, including animals. A lot of them are currently being misled because people are fearful of what will happen if it is disclosed. That creates a whole bunch of problems for the landlord later on to try and assess damage on the property and that they have been aware about a pet being there and all sorts of different issues there. It also creates problems because people aren't telling their landlord about their pet. They don't really want to go in and then register it with OLG on the pet register because they don't want to have it put down on their name. And then we've got these unregistered pets that are going missing or straying, and they're not getting returned to their owners.

For a whole bunch of reasons, people are keeping their pet a secret. They want to keep it a secret from everyone in authority positions. That can have unintended consequences. To best protect landlords, you want to have a system that is fair and balanced. That way, people are going to be able to be open about it and say, "Yes, I have got a pet. I've now moved in and I want to apply for it. Here are the details of the pet." Or people who might have disclosed one pet and actually have three or four—again, that changes what a landlord knows about the property, and it changes what decisions they could make as a landlord. But there's currently such a huge imbalance. People are going to mislead their agent and their landlord because they just feel like they have to.

**The CHAIR:** For clarification, this bill has come in tranches. We had a first bill, which has already passed, which defined who will go to the tribunal—whether that's the landlord or the tenant. That bill passed, and so it will be the tenant who has to apply to NCAT. Now we've got this bill, which proposes a regulation that landlords can't ask about pets on an application—which you support, I assume.

**TROY WILKIE:** That's right, yes.

**The CHAIR:** There are some complications around that because then the tenant would have to apply for the animal once they moved in. If most of the amendments that you have proposed were passed—or if the key ones passed—do you think that overcomes some of the tribunal issues within the first bill? Or do you think it's a

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case of "if this passes, let's see if that solves the problem and creates a balance"? That goes back to your data points.

**TROY WILKIE:** No, I think the amendments that we've put forward give the best possible implementation for the reforms as they stand—both the existing ones and these current ones. We'll never get in the way or say that we shouldn't pass reforms that will improve the situation. We don't want to have the perfect be the enemy of the better. In saying that, it would be far and away—I think we should be looking at the situation like what they do with commercial tenancies. They sign up and they say, "I have a responsibility to return this in the same condition or better than I got it." They then take that responsibility and use the property however they really see fit. And then, at the end of it, they return it and it all gets sorted out. That is how residential leases could also operate.

Therefore, you could have it up to the person who has taken on that responsibility of leasing the property to have responsibility for their pets, their guests, their kids—whoever comes into the property. They're just as responsible for a potential bottle of red wine that gets spilled on some white carpet as they are for their pet. That's why I do say that landlords are really well protected by the make good. If they aren't being well protected by that, reform that, because they should be protected by that for all of the potential known and unknown risks that come with somebody else occupying the property. It does need to be that the person who signs that document has responsibility for the property—to return it in the condition that they got it, despite reasonable wear and tear. That's got to be the protection for landlords, not a whole bunch of other red tape and rules.

**The CHAIR:** Thank you for coming to give evidence today. We appreciate your time. Because the Committee has such a tight timeline in regard to when this bill will come up and when we will be reporting on it, there will be a very limited window for any questions that are taken on notice. I don't think you have taken any questions on notice today, which is good. However, there may be some further questions on notice. The Committee has resolved that transcript corrections, answers to questions on notice or clarifications to any evidence that you gave today, and any additional information that you want to provide, should be within 24 hours of receipt of the transcript by witnesses. The secretariat will be in contact in relation to any questions and to provide you with a transcript of today's hearing in the near future. Thank you again for your time.

**(The witness withdrew.)**

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**Mr SAMUEL DAVIS**, Vice President, Animal Care Australia Inc., affirmed and examined

**Ms TARA WARD**, Managing Solicitor, Animal Defenders Office Inc., before the Committee via videoconference, affirmed and examined

**Mr STEPHEN ALBIN**, Chief Executive Officer, Animal Welfare League NSW, sworn and examined

**The CHAIR:** I welcome our next witnesses. I'm now opening up for short statements. Does Animal Care Australia have a short statement they'd like to make?

**SAMUEL DAVIS:** We do. Thank you for the opportunity to present to the Committee. In my role as VP of Animal Care Australia, I have attended a range of meetings and compiled numerous submissions regarding pets in strata and in rentals. In 2025, the reforms aimed to normalise and simplify pet keeping for rental properties in New South Wales. ACA argued unsuccessfully—as did, I think, a lot of other organisations—for a default consent, with the landlord needing to provide evidence to remove consent. Unfortunately, this position was not supported by the Government, which has resulted in the issues this bill is attempting to overcome. Regarding pets in rentals, the bill aims to ensure the statutory process for keeping pets in existing tenancies is applied equally to new tenancies. ACA supports the amendments proposed by Emma Hurst, AJP, which resolve issues should an application to keep a pet be rejected after a new lease has been signed. The remaining problem is to prevent exclusion of applicants with pets at the rental application stage. A few practical examples illustrate the problem.

On Domain.com.au on Saturday, just two days ago, there were 10,518 properties offered for rent in the Sydney region. Of these, just 948 landlords and agents had ticked "Pets allowed"—less than 9 per cent. This does not reflect the intent of the statutory process and whether or not that should continue to be permitted—to have such a tick box—I'm not sure. Rental application forms also routinely ask applicants whether they have pets. This allows agents to exclude those applicants before any statutory process can occur. A Central Coast solicitor friend of mine provides a good example. She has a small dog that looks much more like a teddy bear than a puppy. She was asked to, and did, disclose her dog on her first six rental applications, and was refused each time. On the seventh application she did not disclose the dog and was immediately accepted. I personally own a number of investment properties and Maddy—my friend—would be the absolute ideal tenant.

At ACA we have many other examples, although it's a little difficult to actually work out why exactly they were culled; I think in that case it's absolutely clear. Animal Care Australia recommends that the legislation explicitly prohibit rental application forms and, hopefully—I'm not sure how to do it, though—property advertising from including pet restrictions or questions about pets unless a tribunal-approved restriction applies to that specific property. One final tweak is to ensure the statutory process for applying to keep a pet can only commence after a lease has been signed, not during the rental application stage. We encourage Parliament to ensure the statutory process for keeping pets in existing tenancies is applied equally to new tenancies. Many thanks for your attention.

**The CHAIR:** Does the Animal Welfare League have an opening statement?

**STEPHEN ALBIN:** Chair and members of the Committee, thank you for the opportunity for the Animal Welfare League NSW to appear before this Committee today. We've been caring for animals and supporting responsible pet ownership for more than 65 years. Each year we assist tens of thousands of animals across New South Wales through our shelters, vet services, rehoming programs and community outreach services. One of the most common and preventable reasons animals come into our care is housing insecurity. When people can't find rental accommodation that will accept pets, they're often forced to surrender much-loved companion animals. This is distressing for families, harmful for animals and places additional pressure on the animal welfare sector.

Animal Welfare League NSW welcomed the reforms made to the Residential Tenancies Act 2010 (NSW) in recent years, which modernised tenancy law and improved the balance between tenants and landlords. In particular, we welcomed the introduction of clearer processes around keeping pets in rental housing, including requirements for landlords to consider pet requests more reasonably and the establishment of clearer pathways for tenants to seek approval. These changes recognise a reality that companion animals are an important part of family life and that responsible pet ownership should be compatible with renting. The reforms represented an important step forward in reducing unnecessary pet surrender and improving housing stability for many renters with animals.

The Committee is now considering the Residential Tenancies Amendment (Protection of Personal Information) Bill 2025, which addresses another growing issue in the rental market: the handling of personal information in the application process. Rental application systems increasingly require prospective tenants to provide significant amounts of personal information, often through third-party digital platforms. Many applicants submit multiple applications while searching for housing, which means sensitive personal information can be collected and stored across numerous platforms. Strengthening protections around how this information is

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collected, stored and used is an important step in ensuring that the rental application process remains fair, transparent and secure.

For renters who have companion animals, this is particularly important. They're often competing for a smaller pool of available properties and may need to apply for many homes before securing accommodation. Ensuring their personal information is appropriately protected helps maintain trust in the system and reduces unnecessary barriers in the housing market. Animal Welfare League NSW supports reforms that improve fairness and transparency in the rental process while continuing the positive direction of the earlier tenancy reforms. Ultimately, policies that improve access to rental housing, including fair application processes and reasonable treatment of tenants with pets, help keep families and their companion animals together and reduce the number of animals surrendered to shelters. We look forward to contributing constructively to the Committee's work and would be pleased to answer any questions.

**TARA WARD:** The Animal Defenders Office both welcomes and laments the opportunity to comment on the Residential Tenancies Amendment (Protection of Personal Information) Bill 2025. The bill is welcome because it recognises that there are fundamental problems with the current framework regulating the keeping of animals in rental premises. Unfortunately, however, the bill is a bit like using a bandaid to fix a broken leg. In short, New South Wales went with a defective model when it chose an "animals not welcome until landlord consents" approach to pets in rental premises. It is not surprising that the model has been operational for less than a year, and it already needs fixing. Over the border the ACT introduced a "pets welcome at any time until tribunal approves a refusal" approach in 2019, and it has worked well, with no changes required since its introduction. While the Animal Defenders Office welcomes the New South Wales bill's attempts to grapple with the inevitable problems of animals not being allowed until consent is given by the landlord or by the tribunal via a tenant application, we fear it will not be the last such bandaid. No amount of bandaids will fix what is essentially the wrong model. Thank you.

**The CHAIR:** I've got a few questions. I suppose some of them are framed around the idea that we've got this current bill before us, and how do we fix the current bill as best as possible if it were to pass. I've got a question that's probably best directed both to Animal Care Australia and ADO. I want to get you both to talk about the need for penalty-free terminations if someone is refused to have an animal. If somebody moves into a property, they've brought their animal with them, the landlord has said no for some reason and they've got what is listed as a genuine reason for saying no, why is it important that we have a penalty-free termination option for that renter if they want to leave with the animal? I might start with you, Mr Davis.

**SAMUEL DAVIS:** I totally agree that has to be the case. I'll say first up, I do think that the reforms last year mean that's probably a very difficult thing to actually take place, and it's probably going to be more the exception rather than the rule. Nevertheless, obviously if somebody's just commenced a lease, then there has to be a mechanism for them to get out of that lease and to also have sufficient time to find another property and another property that's going to be willing to take their pet or have their animals with them. So I totally agree. I think what the AJP amendments have got in there is very detailed and it deals with that well.

**TARA WARD:** I would agree with that. These regulatory frameworks dealing with our residential tenancies already contemplate situations where tenancies can be terminated early by tenants. It would simply be a question of adding this situation to one of the already accepted situations or circumstances where a residential tenancy agreement can be ended early. I also wanted to add, it's required from a practical perspective because animals are complicated, especially if there may be more than one. It's not easy, as we've already been hearing and, one presumes, you will continue to hear throughout the day. It can be very difficult to rehome animals. So there needs to be that situation that would allow the keeper of the animal to move premises in those situations where it's not straightforward. Certainly they wouldn't want to be separated from their animal, who we recognise are now members of the family in many circumstances.

**The CHAIR:** My key concern around this bill is that we're going to see a situation where a renter will apply for a property, they'll sign a 12-month lease, they'll go to the cost of moving in, they'll apply for their animal within that seven-day grace period, the application's refused and then essentially, whatever they decide to do at that point, they have to figure out what to do with their animal immediately on the spot—whether they break the lease and incur the costs for finding a new property and for the move, which is probably something that's not available to many people on the rental market, or whether they try to rehome the animal.

We heard this morning from the RSPCA that that was nearly impossible to do at the moment with shelters and pounds already over capacity. I want to get the thoughts of each of you on how do we overcome those situations, particularly for vulnerable people who are leaving violent situations. You gave in your submissions a few examples of amendments that you'd like to see to help protect those individuals. I want to spend time going

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through some of those amendments and how each of those amendments could work to potentially soften some of the concerns that are coming up with that bill. I might start with you, Mr Davis.

**SAMUEL DAVIS:** Again, there's maybe one addition that I suspect wasn't in your amendments—and I haven't got them in front of me—because we basically in our submission said, "Please, government, do what the AJP said in this case," which is a little unusual for our organisation, but we're certainly in parallel here. There's one thing that comes to mind. We've got a process already for landlords to go and get a ruling from the tribunal if their property is not appropriate for pets for whatever reason—maybe the landlord lives in the property or maybe there's even a boundary issue—for example, it might be on a rural property, so horses or livestock or something are not appropriate. There's a range of other reasons.

Most of those reasons, to be honest, are very specific to the property. Perhaps that's a reasonable thing and maybe it needs to be there up-front as part of the application process—that they may need to go and get that ruling from the tribunal first. Then there's a lot more surety once people actually move in with their pets, so that we don't have to go through this whole mess of people being refused and so on. I know it's possible, but I hope, under the current regime, that that's the sort of one in a thousand. They're probably situations that we haven't thought of to put in.

**STEPHEN ALBIN:** I just want to clarify, are we talking about the protection of personal information bill or are we talking about the other bill as well?

**The CHAIR:** We're talking about the protection of personal information bill. The other bill has come up a little bit because a lot of people have highlighted that the previous bill—which is linked to this bill—created a situation where the tenant has to go to the tribunal instead of the landlord. Then that has created the reason for this bill to come forward. In one part of this bill, there's a proposal that when you're applying to go into a rental accommodation, you don't have to declare that you've got an animal, which is, on the face of it, very widely supported, but there's no guidance within the bill as to what happens if the landlord then says no under the many reasons that were listed in the previous bill. The two bills are sort of linked.

**STEPHEN ALBIN:** With this bill, and what Mr Buttigieg said in introducing this as well, I think that the Government is doing the right thing. They think they're doing the right thing and they are doing the right thing in ensuring that the private information of people who have pets is not shared and they don't have to disclose up-front. But what it does is it shines a light on the initial piece of legislation which was changing the Residential Tenancies Act. That's where it becomes a material issue. I was formerly, for a decade, the CEO of the Urban Development Institute of Australia. I was on the board for another six years. I was on Fair Trading's property services advisory group appointed by Anthony Roberts for many years. I looked at the scenarios and tried to work out if bringing this bill in, and looking at the second lot of amendments, would make a material difference. For instance, if I said the landlord should go and be required to go to NCAT because they're the group that can bear that burden better—I think that's the only explanation I can give. If you look at the outcome of that, it's going to be no different than where they sit at the moment and where the tenants will sit at the moment.

This is a very difficult policy challenge, and it's a bit of a policy hazard as well. In terms of solutions, I find it really hard to come up with a solution to this matter. Sure, you can go for the Victorian model. I think that was in our submission. You can go for the ACT model, which the Animal Defenders Office talks about. But this is highly complex. In every scenario that I run through, it's not a straightforward answer. Possibly education, at the front end, will help—that is, when people apply, they know the grounds for which they can get rejected, which are clearly in that initial legislation. Besides an education campaign and potentially making the landlord have to apply to NCAT, it's very complicated to solve—and unintentional, by the way. I think everyone thought they were doing the right thing.

**The CHAIR:** Before I jump to Ms Ward for a further answer to my other question, we heard this morning from the RSPCA that in the one year since the last bill was implemented, they haven't seen any reduction in the number of animals surrendered because they can't enter the rental market with those animals. Have you seen the same at the Animal Welfare League? Have you noticed any difference?

**STEPHEN ALBIN:** Our is distorted because of our increase in inspectorate work. We've had issues with regard to surrenders. We haven't seen any major change in lines though. I agree with the RSPCA on that matter.

**TARA WARD:** In terms of solutions, this is the problem. Are we talking bandaids or are we talking of fundamental changes? I don't think that tinkering with the current model is ever going to get us to a good place, such as where a jurisdiction such as the ACT is, where it introduced a fundamentally different model some seven years ago now, and that's been working well and has not required a single change to the provision in the relevant Act. This one is less than a year, as we've already mentioned, and it's already requiring these changes to try to

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rebalance and make it fairer for some of the parties in these agreements—i.e. tenants and, of course, the animals. The bill does fall short. It's going to require more changes. I think that's a fairly safe prediction.

One of the things that I think we discussed in our submission was, while it's good to focus on the start of a residential tenancy period and animals who may come in with the tenant to the new premises, what happens when, some time into the tenancy agreement period, the tenant acquires, by some way, an animal? It could be through rescuing the animal. It could be through inheriting the animal from a deceased relative. Of course it could be actively going and seeking out and, hopefully, adopting an animal—worst-case scenario, purchasing a purpose-bred animal. But what happens then? Do these provisions that apply at the start of the residential tenancy period apply in that situation? What's the time frame there? That's why we've suggested that a change that could be made is simply to broaden the application of this period.

Several submissions made the point that seven days is not long enough, and we would agree with that. Whatever period is ultimately agreed upon as being appropriate, at least 14 days for a tenant to apply for the consent, since that is the current New South Wales model, and it could be worded in such a way as, say, acquiring the animal or coming into possession of the animal. That, at least, would deal with this situation where, after the commencement of the agreement period, the tenant comes into possession of an animal and wishes to keep an animal in the premises. There are, of course, other issues which many submissions have focused on—the fact that it doesn't deal with when the tenant does have to go to the tribunal if the landlord or the lessors first response is to refuse consent. That is just a no-brainer. The bill must take that into consideration. Just focusing on that one proposed reform of allowing the tenant to keep the animal while applying, that needs to be broadened both to the whole tenancy period and seeking review or going to the tribunal about a refusal to consent.

**The CHAIR:** Looking at this more broadly and the suggestion that you have in regard to being able to apply for an animal at any point during the lease and having that grace period, potentially, to have the animal—I understand the situation that you give in regard to the death of a relative, for example, so that the animal suddenly comes into that person's care. If that is put into the lease at the midway point, does that encourage people to go and get an animal when they don't have a secure home for that animal and then, if those people are refused to have those animals, we could see an increase in dumping and surrender, potentially, if a lot of those people are given a no?

**SAMUEL DAVIS:** Can I—sorry, did you want to talk to that?

**The CHAIR:** I'll ask Ms Ward first, but if you've got an answer, I'll throw to you next.

**TARA WARD:** I think we have to recognise—sorry, this is not getting to your immediate point, but we have to recognise that people will come into possession of animals other than by choice, by actively going and seeking them out. However, the situation that you mentioned, or the hypothetical "Could it encourage people to acquire animals where they don't have stable accommodation?"—that is a real problem if the default position for rental premises in New South Wales, because of this sort of defaulting to not being able to keep the animals until the landlord or lessor consents, would mean that rental premises in New South Wales are, by default, not stable accommodation.

I think that's a real problem, and that has to be acknowledged and dealt with. If that's how we want to characterise it, otherwise we characterise it as housing is stable because we have this model, such as it is, in place in New South Wales, where you may ultimately be able to keep the animal, you just have to go through this process first, which we of course don't think is anywhere near optimal. Hopefully, we wouldn't characterise it as that situation where people are being encouraged to go out and get accommodation where they really are in unstable accommodation. But certainly, from one perspective, that is how you could characterise the current New South Wales model, which is regrettable.

**The CHAIR:** Mr Davis, you had further?

**SAMUEL DAVIS:** I was just going to say that when we, over many years and in other States as well, talk about this issue, we go down this road sometimes of treating rental properties differently in terms of animal welfare and people in rental properties to those who own their own property or are in other types of accommodation. I think that's a mistake. As much as Animal Care Australia obviously care about animal welfare—we absolutely do—there are a whole set of rules and laws and statutory processes and so on that govern animal welfare. This is not about animal welfare; this is about rental properties specifically, so I wouldn't like to go down a track where there are some rules put in that change the nature of the rules in terms of animal welfare for people in rentals compared to landlords. I think that would be the wrong track to go.

But I do think, overall, the issue here, to me, is quite straightforward. We've put in place—and I think the Parliament supported it—a statutory process for working out whether a landlord consents or doesn't consent to an animal, and we've got quite strict rules. I think, although there are probably some tweaking about the regulations

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and things, for people who are in existing rentals, the problem is—and during the consultations that I've been in, and the same in other States—ACT obviously got around it by doing what I think we all recommended, having a default acceptance of animals. But we haven't fixed that for new rentals. It's just really that problem that new rentals should have to abide by the same rules.

At the moment, they can get around it by simply asking in some sort of application form or an implication in an ad or something. I think that really is the guts of the problem that I would hope this bill can put a bandaid on. I agree with Ms Ward that it is a bandaid. It would be far simpler if we just had a default that you can keep animals, and if there's a specific property where they're not appropriate, that's up to the landlord to get a tribunal ruling that says that. Otherwise, there's just not an issue. But I suspect that's not realistic, so I suspect the best way to do it is to make sure—and I know there's mention of this application form in the bill, but I think it needs to be stronger.

I think it needs to be in the actual Act that you cannot—I think pet information is personal information, so it comes nicely under this protection of personal information bill, and I think that it should be that you simply cannot ask for that on the application. It's not relevant. The only thing that's relevant is is the person able to pay the rent and are they able to pay the bond, and whatever's going to happen in that property, does the landlord feel that they're going to be able to pay for it? Is there a high probability that whatever that person does is going to wreck the property to the point that it can't be repaired, or that the bond—that the person's not going to be able to repair? That's what you're looking at as a landlord. Whether they've got little kids or whether they've got teenagers or whether they're going to have parties or whether they drink red wine or whether they have a pet and so on, it really is beside the point, and we need to remove it at the application stage as well.

**The Hon. AILEEN MacDONALD:** From a legal perspective, do you think the bill adequately balances tenants rights, landlord rights and pet welfare considerations?

**STEPHEN ALBIN:** I think it does. We had consultations. There are a lot of stakeholders in this whole policy transaction, and they all have grounds to be treated equitably. The landlord does require protections. The tenant definitely requires protections. At the end of the day, when we went through that consultation process, and, yes, they were confidential, but, as we were going through that process, that's where we changed a little bit in terms of understanding what the Real Estate Institute of New South Wales wanted and others wanted to ensure that we could get this through. There is a balance. I'm not a lawyer, either, by the way—I should say that—but one of the key issues is that the landlord can't unreasonably withhold consent, and there are a lot of tests there. But when someone goes to apply to rent a property, how are they actually going to know whether or not the fence is a certain height, it isn't damaged, which could cause problems down the track, which is why I said an education program might be the way to go at the front end. But it has required balance to get everyone's support, and I think it did that in the end. I know you were there too, Samuel.

**SAMUEL DAVIS:** Yes, there were a bunch of us. Those meetings with the Rental Commissioner—this is a rare thing for me to say—were actually really positive. It was a really good process and it worked really well. Although the Government didn't agree in general with what we were saying, which was to have a default position that pets can be kept, what came out the other end is a vast improvement on what came before. All we're trying to do now is just tweak a few things, which is that application. I'm a landlord myself; I own a couple of investment properties. I kind of get that view and we grappled with it. The reality is, for me, if somebody has a pet, I'd probably prefer them. I'd think, "Well, they're probably a more balanced person and caring person." I'd be the opposite.

But the stats that I see and what I quoted from domain.com.au seem to indicate that that's not the normal situation. For whatever reason, real estate agent forms somehow are still in this idea that allowing pets is a special thing. I believe that that is absolutely not community expectations. Community expectations these days are that pets are part of a family and that they should, by default, be allowed in. We need to fix that application form stage, and inform people who are putting in those applications that you do not need to tell. It's not relevant for you to have to tell the landlord that you have a pet.

**TARA WARD:** In my view, the current framework in New South Wales doesn't get the balance right. That's inevitable with any model or framework where the onus is on the tenant to have to go to the tribunal. We do a lot of tribunal matters with the ADO, and they're stressful. They're time-consuming. They're very stressful and they're long. I think it has already been mentioned they can drag out. Any model that puts the onus on tenants—and of course tenants come from an infinite variety of backgrounds—but many tenants would find the whole prospect of going to the tribunal very intimidating. Any model that puts the onus on the tenant to have to do that—coming from the ACT, we can, again, look at our model that has been in place since 2019 without any further changes.

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If landlords had serious problems or lessors had serious problems with that model, they could have lobbied for changes to the framework as well. But, clearly, that hasn't happened. I would point to the ACT as a jurisdiction where the balance is more appropriate and takes into account the needs of tenants, landlords and the animals. Any system that may increase the number of animals who end up in pounds or rescue organisations, there is something wrong with that model and it has not got the balance right. As we've heard ad nauseam, unfortunately, the rescue sector is beyond crisis point, beyond breaking point, even the little ADO. We hear from rescuers who are beyond their wit's end at how desperate the situation is out there for trying to rescue and save animals who have been abandoned or surrendered. We must have a system that reduces the incidence or the likelihood of animals being surrendered or abandoned.

**The Hon. AILEEN MacDONALD:** You said they haven't got the balance quite right. Do you think the provisions in the bill reduce the number of pets surrendered due to an inability to get housing or the housing issues, or are further reforms required?

**TARA WARD:** I think one of the big problems is this proposition that the bill currently doesn't deal with that situation that we've already discussed, where the tenant comes into possession of an animal or wishes to keep an animal partway through a tenancy agreement. It could be that the person simply has to say no. Reducing the options for rehoming animals is not a good thing. It's a terrible thing right now. We need to be increasing the options for rehoming animals. Anything that can be done to enable people to keep animals should be preferred. I think that is a problem with the current bill. It is silent as to coming into possession of animals midway or partway through a tenancy agreement.

**SAMUEL DAVIS:** Back harping on my new applicants issue, it wouldn't be surprising that there has been no change since this new bill because it doesn't assist new applicants, particularly those who have got pets and are fleeing domestic violence or other sorts of harassment or homelessness or whatever. They've got to stay where they are because, at the moment, they are asked on the application. The information that we have from—admittedly maybe a biased sample—the people who contact us is that they are getting refused. They're not getting refused, but they're not getting progressed. That is the point.

A landlord or a real estate agent sits with a pile of applications and, at the moment, they just simply cull all the ones that have got pets. They just cull them. Maybe they don't even pass them on. I know that the real estate agents I deal with will give me the few that they recommend. I'm not even sure, to be perfectly honest, whether my own real estate agent, if my rental came up, is not doing that already. I hope not. I certainly hope that they wouldn't do that. But that appears to be what's happening currently. As soon as they see a pet, they're not even in the running. They're put to the bottom of the pile immediately. We can't expect that the bill from last year that was passed is going to solve the domestic violence issue.

**The Hon. AILEEN MacDONALD:** Mr Davis, you said your own personal view was that if someone was a pet owner you would probably look more favourably. Would you say that the law should move towards a default position that pets are allowed unless landlords go to NCAT and object?

**SAMUEL DAVIS:** Absolutely. I believe that's the ACT model. That, I think it's fair to say, was the consensus of the people who were consulting with the Rental Commissioner during all those meetings. But we will let you know—without saying too much, because I get that it was in confidence—that that was not the decision of the Government at the time. So we then started exploring this other way, where the tenant still had to apply for consent. But I believe you'd have a lot simpler legislative regime if it was turned around. If a premises is not suitable for pets—and there are some examples.

Sometimes, when the landlord lives there and they're allergic to cats or something, or maybe there are some fencing issues and so on, then I think it makes much more sense to put that as a responsibility of the landlord to go and get that certified somehow. It could be a relatively simple process in most of the cases. And then, by all means, that can be put on the adverts and so on, that the tribunal has said that no pets are allowed, for whatever the reason is. At the moment, having it the opposite way around, unfortunately, isn't working, in my view, for new applicants.

**The Hon. AILEEN MacDONALD:** Is there a form that could protect our renters' personal information while also providing certainty to landlords?

**SAMUEL DAVIS:** Maybe Stephen can fill you in. We talked round and round in circles about this in the meetings to try to work out a way. I get that it's a bit harsh to say nobody can ask about pets until the lease is signed. I kind of get that. But, unfortunately, I don't know that there's any other option if you're not going to go to this default assumption that you can have pets. Because it's absolutely clear from the people that have contacted Animal Care Australia—and I think it's probably fair to say for the other people who are providing evidence—that landlords and agents are culling applicants simply because they have pets. I believe that that is not what

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society demands. I think that's wrong. Unfortunately, that means, for the people like me, where I'd probably go the other way if I saw an applicant with a pet and perhaps put them to the top of the pile—unfortunately, the evidence that we're aware of shows the opposite is actually the case.

**Ms ABIGAIL BOYD:** Mr Davis, something you were saying earlier I found very compelling. You were saying, basically, you don't disclose that you're a red wine drinker on your application, and presumably there's a bunch of other things of that nature—that you're, maybe, a messy bolognaise eater. There are lots of other things that could make a tenant unsuitable. We are in this situation because there are landlords that think that pets are particularly damaging, despite the rules allowing landlords to be made whole—how much of this do you think is stigma and ingrained views versus actual risk to property? Is there some way that we can chart a middle ground? Sorry, it's not much of a question; it's more of a reflection.

**SAMUEL DAVIS:** I think you're thinking just the way that we did in these consultations. We did explore that—well, I certainly put my put my mind to it and I'm sure other people did as well, and I'm not sure that there is, because as soon as you've got a process where an application form mentions that you've got pets, you've got this problem. I don't know where it—I agree with you. Education is part of the solution, because it's clear to me—and I'm probably a bit biased, given that I'm an animal keeper and vice-president of Animal Care Australia and so on, and obviously the people who speak to us are people who love animals and so on. But I still think that it is true to say that the large majority of Australians love their pets, appreciate pets and have no issue with pets, and get that pets—like with teenagers or toddlers or red wine drinkers, things happen. They happen in rentals and occasionally they happen with pets too.

But 99.99999 per cent of them are things that are easily fixed, just the same as they are when somebody spills a glass of wine or something. I'd love to come up with a way that's middle ground, so that landlords can have a decent view of the tenant that they're proposing to take on. But, unfortunately, I think the way that tenant applications are being looked at currently, that's not a realistic expectation, to come up with that solution. It needs to be either we flip and we say everyone can keep pets unless the landlord goes through the process to stop it, or you're just not allowed to know about it until the lease is signed.

**Ms ABIGAIL BOYD:** Thank you. That was an excellent answer.

**The CHAIR:** Thank you all for giving your time to give evidence today. I note that, owing to the extremely tight time frame of this inquiry and the hearing and the report deliberative, we have a very limited period for taking questions on notice and getting those answers. I can advise that the Committee has resolved that the transcript corrections, any answers to questions on notice, clarifications to evidence and any additional information that witnesses want to provide happen within 24 hours of receipt of the transcript by the witnesses. The secretariat will be in contact with you in the coming days to provide that transcript and in relation to any questions taken on notice as well.

**(The witnesses withdrew.)**

**(Short adjournment)**

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**Ms ELOISE PARRAB**, Policy and Advocacy Manager, Tenants' Union of NSW, affirmed and examined

**Mr LEO PATTERSON ROSS**, CEO, Tenants' Union of NSW, affirmed and examined

**The CHAIR:** I welcome our next witnesses. Thank you for taking the time to give evidence today. Do you have a short opening statement you'd like to give?

**LEO PATTERSON ROSS:** Yes, thank you. Thank you to the Committee for the opportunity to present today. I acknowledge that we're on the lands of the Gadigal of Eora Nation and recognise the present and historical disadvantage experienced by Aboriginal and Torres Strait Islander peoples, particularly in relation to finding a home. This bill represents crucial first steps in bringing fairness to the application process by protecting renters information and providing frameworks for all industry participants. It builds on work started under former Minister Dominello on what information is genuinely needed to assess a person's ability to rent a home. We were pleased to be part of the industry reference group that ultimately helped inform the bill. While this inquiry focuses primarily on the pet provisions, our submission does also address other aspects of the bill and includes recommendations we believe would enhance it and ensure it meets its objectives.

On 19 May 2025 the Government commenced important changes to renting laws including making it easier for renters to keep pets, a right the Tenants' Union and renters had advocated for over many years. Once a property becomes a person's home—their private space—there should be a very high bar for interference with that space or the decisions adults make within it. Renters should be supported, then, to be responsible pet owners, just as owner-occupiers should be, making decisions necessary to care for an animal while respecting neighbours' peace and quiet.

The solution to genuinely making renters renting with pets easier and addressing many of the concerns raised during the bill's progress through the Legislative Council and the Assembly requires reforming the current application process for a home. This process is functionally unregulated. It rests on opaque decision-making with no regulatory framework to support it. Ensuring that moving with a pet creates no disadvantage in finding a safe, affordable and appropriate home should be the aim of the New South Wales Government around making renting fairer with pets.

No Australian jurisdiction has yet addressed this gap, and that shortfall creates the problems we're here today to rectify. Pending reform to that application process, there are still significant improvements we can make to the pet application process. The current system assumes a renter has no pet when moving into a new home or seeking permission, yet knows everything about their animal that they need to defend their application and feel confident going to the tribunal. This places applicants in a very difficult position.

New South Wales should implement the standard pet application process now used in the majority of Australian jurisdictions—all but us and Queensland—which has been supported by tens of thousands of submissions across two significant New South Wales Government consultation periods. This would prevent unreasonable refusals at the outset. Requiring landlords to demonstrate the grounds for their refusal by seeking an order from NCAT, rather than placing that burden on renters, remains the key mechanism for removing many of the unintended effects of this bill on pet owners.

We recommend the New South Wales Government examines the pet application process, from advertising all the way through to decision-making, to ensure it is fit for purpose, though there are some clear elements, like disclosures, that can be advanced through this inquiry and in this bill. In particular, ensuring renters have sufficient information about the property, including information about any relevant factors about pets, will assist in avoiding time wastage and disputes around pets, as well as streamline the process for all renters when they are assessing whether a property is suitable for them as well.

**The CHAIR:** Thank you, both of you, for your time today, and for your fantastic submission as well. It's extremely useful. One of my biggest concerns, obviously, with this bill is the idea that, in practice, somebody could apply for a property, sign a lease, use that first seven days, which is already very tight, to apply to have an animal and that animal is refused. The legislation stops on their protections right there. Even if they apply to NCAT, they still have to do something with this animal during that process. If they don't feel able to apply to NCAT, then they somehow have to try to either find a new property to live in within 24 hours or find somewhere else for that animal to live within 24 hours, which we're hearing quite a bit this morning, particularly from the RSPCA, is simply not practical. I'm interested in what we can do. I know you've gone into it quite a bit in your submission but, again, for the benefit of the Committee, what are some of the key amendments that we need to see to the current bill before us that could provide some level of protection for renters with the current proposals?

**LEO PATTERSON ROSS:** There are two elements. Information—the ability for people to know what property they're moving into—will help with that process. We already have in the bill some disclosures that, in

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many ways, is a first step to regulating the advertisement itself, looking at digitally altered photos and the embedded networks disclosure. We can add to that the factors that the landlord knows about the property that are pet neutral. For example, if there's a by-law that exists on the property, if there are special council rules, if the landlord lives on the premises—these are all facts that the landlord knows about before any pet is being considered.

If they can disclose that at the advertisement stage—they already know about it—then that means that those tenants who might be looking at the property can choose not to. At the very least, they are on notice that there is a factor here that you are going to have to deal with in making your application and you will need to have a really strong argument to try and get around it. Tenant information, consumer information, is generally a well-established good in these kinds of markets. Looking for opportunities to share information that's already well known to the landlord is an easy and practical thing to do.

The second part is once you have moved in, how do you address—like you say—this gap? You've moved in and, at the moment, the bill says seven days—we heard 14 days recommended as the more appropriate time—just for making the application. We also say that you should be protected from being in breach of the legislation while your pet decision is being considered, and that includes through the NCAT process. Switching the onus from the tenant to the landlord to apply to the tribunal would prevent this.

What we're seeing and what the current system encourages, or at least facilitates, is there is no check on the landlord's response to the initial application. It may be a completely fabricated agreement and it may not have any evidentiary basis, but there is no check on that until you get to the tribunal. As an example, you can say under the regulation for the number of pets, less than four is generally a reasonable number; more than four, the tenant might have to make a case to say how many. If you apply for a single cat and the landlord replies, "There's going to be too many pets in this property," despite there only being one cat on the property, there is no oversight of that until the tenant makes the application to the tribunal.

That might seem simple, but tenants generally are intimidated by the tribunal to start with. There are many renters who may be nervous about engaging with that kind of dispute resolution because of their prior experience, or because of their capacity or their capability, or they think that because a person in a position of authority—the real estate agent—has told them that this is the case. Given that there's no oversight of it, it is then up to the tenant to pay \$66—I might have to correct the record on that—to apply to the tribunal just to get that simple fact checked. This is a big barrier that gets in the way. Every other State and Territory—except, as I said, Queensland—has another authority, whether it's the tribunal or, in WA, it's the commissioner, who checks the landlord's response to make sure that it is in line with the evidence and in line with the regulation. That's a much more effective way of dealing with this problem.

I think that those two methods in combination—information beforehand and better decision-making after—is the main way that we can deal with it. Once you're in—as I said, we do generally have a bigger problem that people are moving not able to disclose they have a pet, not able to have that conversation with landlords and agents, because they know it'll put their application at the bottom of the pile. So it's not a constructive conversation that they can have, which would be a much better pathway. Until we're willing to look at that, these are the solutions we have. Is there anything I should add?

**ELOISE PARRAB:** Just a couple of things in terms of there being introduced into the bill a notice period: Once the tenant has exhausted all their avenues of disputing the landlord's refusal in the tribunal, or even just accepting the landlord's refusal, there needs to be an adequate period of time for the tenant to look into other avenues for where they could rehome their pet. Having that immediate effect is not good for the tenant and it's not good for the pet and the animal's welfare. We propose that there be a 30-day time period to allow the tenant to find an appropriate place for their pet. The other option that we suggested is that the tenant be able to give a 30-day notice of termination to the landlord and end the tenancy without any penalties. If they can't find an alternative option for the pet or they're not prepared to do that, they have the option to exit that tenancy without having to pay that break lease fee and find a new property.

**The CHAIR:** You also talked in your submission about data collection. I spoke a bit with the RSPCA this morning about that and a general lack of reporting in this space. Can you talk about the changes that you'd like to see once this bill potentially passes? What kind of reporting should we be looking at to make sure that renters are being properly protected within this space?

**LEO PATTERSON ROSS:** As of 1 July 2025 the Government is collecting information about every tenancy that ends via the landlord's actions—so where a termination notice is served—and collecting information about why that tenancy ended. That builds on what was a voluntary survey previously. Now it's a mandatory collection, which was important because the voluntary version had a response rate from tenants of about 20 per cent, which is quite respectable in survey methodology, but it was about 5 per cent or 6 per cent from landlords and agents. There are a number of reasons for that, but we note that there was a significant difference.

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Now that it's mandatory, we haven't yet seen the first release of that data. We're very keen to see it. We expect, and we understand, that the response rate is much higher than 80 per cent—even higher than that—with follow-up.

That is a good opportunity to gather from industry participants what happened during the tenancy. At the moment, the mandatory part is more strictly collecting the end of tenancy information, but there is an opportunity there to ask about the other elements of the tenancy to find out what's happening. Tenants will also be able to respond at that voluntary level. We also need to see better data coming out of the tribunal, which is, at the moment, the ultimate decision-making jurisdiction. There's a particular clause you have to apply under. They are collecting that information, but the data reporting from the tribunal doesn't currently include that. Both the applications made and the outcomes would be useful.

Also, we know that the New South Wales Government is monitoring listings quite thoroughly, particularly within the framework of evictions and exclusions on re-letting. They are looking quite closely at realestate.com.au. I believe they have agreements with these bodies. Looking at the rate of pet application disclosures would be then quite simple to build into the existing information frameworks that have already been set up. If our recommendation around disclosures is taken up, that would be included. Even if it's not, we already have the ability to look at how many properties are disclosing "no pets", which would be unlawful, or putting voluntary information about their attitude towards pets at the advertisement stage.

**The CHAIR:** You've also got a suggestion that landlords and agents should be subject to penalties if they provide misleading information to tenants in relation to the animal application process. Can you talk a little bit about why that's an important deterrent and suggestion, moving forward, in that space?

**LEO PATTERSON ROSS:** I think that it's necessary because we're dealing with an industry that—while it has professional standards, compliance with those standards hasn't, historically, been high. They are being lifted. There's an ongoing process through the property and strata commissioner—and its various names—that is looking at increasing these standards. But we, again and again, hear of agents not following the rules and not having the understanding of the laws. Point one under the Property and Stock Agents Act—the regulation has a code of conduct there. The number one point is to maintain knowledge, and it names the Residential Tenancies Act as the first bit of law that you should know. We continue to hear from agents who have not kept up with education.

As a body that's responsible and helps train tenant advocates and tenants, we understand that it takes some time to read, but we are now many months in. We've trained our advocates. A body that retains \$1 billion in earnings from landlords a year can maintain their professional standards. We need to make sure that these standards are being lifted. We need to make sure that there are actual consequences for failing to maintain standards. Penalties in the Act and, also, actively applied will lift that by sending the message that there is an active regulator who is paying attention, not merely some things in paper that you can ignore when it's inconvenient.

**The CHAIR:** We've talked a little bit about some of the amendments that different organisations feel would need to pass within the current legislation that we're considering. I know you've mentioned it a bit here in regard to making sure that the tenants can actually keep the animal at the property while they're going through that NCAT process and, potentially, after that NCAT process for a period of time to decide what they're going to do. I wanted to get a bit of an understanding from your point of view. What's the situation going to be if these amendments don't pass and the bill passes as it is? What sort of situation is this going to create for tenants?

**LEO PATTERSON ROSS:** We know people who are moving, as I said, who already have an animal are in a very difficult position because they've not been able to have these conversations before moving in. They're not necessarily being given the information or not being able to collect the information about whether the property is suitable. They don't have access to floor plans. They don't have access to, necessarily, accurate photos. They can't have these conversations. So you're in a really tough position, and if you don't have somewhere else for the animal to go, you need to bring it with you. This is why the grace period is important: You can reduce the risk that a person abandons a pet because they feel unable to care for it. They feel unsafe. They don't have friends or family that might be able to care for it, so they need to bring it with them.

If the grace period is too lax or the dispute resolution process is not completed, then they're facing this very difficult choice: get rid of the animal, who may have been part of the family for many years, who may have had a great history and who they may have trained to be very well adapted to living in these homes; give that animal up; or move themselves. Moving is an expensive process, regardless of whether you pay the break fees or not. We estimated, in 2022, that the average moving cost was about \$4,500, not including the bond, once you account for not just financial costs but also time off work, child care and all sorts of additional impacts, whether it's paid financially or borne by somebody else. Then you do have the risk of break fees, having to give up a property that you've just moved into and you've just paid to move to, and then doing it all again, plus another month—essentially

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your whole bond in costs. In the instance where that is because you have put in a reasonable application and been denied but don't feel able or don't understand how to dispute that, that's a very unfair outcome.

**The Hon. AILEEN MacDONALD:** Thank you for coming today. In your submission, you said the application process is currently not fit for purpose. What do you think would be the key structural problems with the existing framework?

**LEO PATTERSON ROSS:** The application for a pet?

**The Hon. AILEEN MacDONALD:** Yes.

**LEO PATTERSON ROSS:** We've got two application processes. For the pet, the key structural challenge is who bears the onus to go to the tribunal, to go to an independent adjudicator. Like I said, in most States and Territories it's the tribunal; in WA it's a commissioner. Either way, it is a person who can look at the facts and say, "Is this refusal reasonable?" If it is, then they'll say no and that tenant then has a problem to deal with. But at least it's been adjudicated, it's been checked by somebody with some authority. Putting it on the tenant—there's a number of reasons why that is difficult.

Partly, you don't necessarily have all the information from the owner. They have to comply with the form, but not necessarily the substance of the decision-making. As long as you get the form issued by the government back, that is sufficient to meet the requirement, and that means that you are going to the tribunal, a place that you might not feel comfortable with. You may not know whether your case is strong enough. You might read the information and feel like it looks right, but when you go to the tribunal, is it going to work? That puts a question in your mind.

I mentioned the application fee, but there's also time off work. We see in the tribunal there is—particularly in regional areas, we're seeing people with listings. They may be on the North Coast and the listing is made in Sydney, and there's an assumption of video link, but it's not necessarily practical for people. There is sometimes significant time around the hearing itself that you may not be in a position to take—you're in casual work, you don't want to put your employment at risk or something like that. It's a big imposition without a really rigorous pathway to get there, and that's the barrier that means that pet applications cannot have the outcome that the evidence would suggest should—and to the limited degree that we've seen cases go to the tribunal, certainly where advocates have been talking to people, we've seen a large number where the refusal is not supported by the evidence. It appears that it is too easy to just say no and wait for the tenant to apply if they want to. Otherwise, it's "make it the tenant's problem" what they do with their home or with their animal.

**The Hon. AILEEN MacDONALD:** To address that, could there be greater disclosure before a tenant applies, say, in advertising? Or maybe when you do disclose that you've got a pet, and then that may be refused, if you had greater disclosure in advertising, would that reduce disputes, do you think, and unnecessary tenancy turnover? What would that look like?

**LEO PATTERSON ROSS:** We think if a person is applying for an animal that is clearly not suitable for the property—I can give absurd examples—then they kind of know that beforehand. What you don't know, at the point that you're looking at advertising, is the facts about the building, the facts about the dwelling that are already in existence that the landlord knows and you don't. This information asymmetry creates a problem for you, and it is something that is fixable. There are a number of factors a landlord can refuse a pet on. Most of them have to do with the animal itself, but they're also mostly relatively testable by the tenant—they can know what the answer is.

The number of animals in a property, as an example—you know how many you're asking for. What you don't know is what by-laws exist. The disclosure of by-laws under strata doesn't happen until after you move in, or at least after it's too late to back out, so that's something that could go on the advertisement. There's a lot of space on online advertisements to put in simple lines saying that the landlord says this or that about the property. We don't need an essay; it can be a relatively simple disclosure, but it puts the tenant on notice and then they can make the decision about whether it's worth challenging that. We would suggest most of the time they wouldn't because they've been given that information up-front. They'll go move on to another property.

To a degree, there is resistance sometimes to these disclosures because the owner is worried or the industry is worried that it would reduce the attractiveness of that property to say something about it that might not make it appear in the most attractive light to the widest number of applicants. But that is healthy. That's a market functioning well, where consumers can make informed decisions about the thing that they are trying to decide, so hiding information is not the answer there. But that appears to be the root of a lot of the resistance. There's a worry that by being honest and up-front about your property, that you might not achieve the same rent that you would otherwise.

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**The Hon. AILEEN MacDONALD:** Say at the moment the bill prohibits that you have a pet. I don't think it has reduced discrimination against renters with pets. What's your view on that?

**LEO PATTERSON ROSS:** This is the application for the home. When you're applying for a property, it is functionally unregulated. Technically there are discrimination laws. You can't be refused accommodation on the basis of your age, gender and so on. But the decision-making, the process of assessing applications, is designed to maximise competition. An agent or a landlord will collect all of the people who are interested in the property and then assess all of them in comparison to each other, and you don't get feedback on why you didn't receive the property. Only the person who was successful will be told, "You were successful." What that means is any number of factors may go into that decision-making. They're not enunciated; you don't hear about it. One of those we know, because people say it publicly, they would put pet applications at the bottom of the pile. They just won't consider it if you talk about it, so there's the possibility of both lawful and unlawful discrimination in that process. It's enabled by the particular approach to maximising competition.

That also puts a lot of pressure onto the property manager, who is being asked to assess many dozens, maybe hundreds, more applications than they actually need to if they were assessing each person on their own merits and checking, "Can you afford the rent? Yes or no?" Then they might only need to assess one application, find a tenant and move on. But because the industry is attempting to maximise the gain through collecting as many people as possible, including by encouraging people to come to inspections to put in applications, even if they know they're not going to get the place, because it puts pressure on everybody else. That's the really fundamental change that needs to happen there. Restricting questions about pets is an important part of reforming the application process, just as the bill restricts information about a number of other things that are just not actually necessary to assess whether a person is appropriate to move into the property. What the bill didn't get to was examining the decision-making process that was happening behind that. It restricts the information in, but it doesn't look into the guts of the decision-making process.

**The Hon. AILEEN MacDONALD:** If you have a refusal, that seven-day period, do you think it is workable? You've already alluded to some problems with that. Are there others?

**LEO PATTERSON ROSS:** We had said 14 days. There are very basic problems with seven. One is that you move in—if you are serving that notice by post, Australia Post's standard delivery is seven days. You have to apply on the day you move in—on that afternoon—in order to guarantee delivery. It's just a very tight turnaround. You may not have had the time to put your thoughts together. Really, on that basis alone, we were saying 14 is at least the starting point. But this is a conversation. There may be communication back and forth between the tenant and the agent discussing the animal, and that should be allowed to run. And then it should be able to go to the tribunal without the tenant having the possibility of a breach notice hanging over their head, which is a technical possibility at the moment.

**The Hon. AILEEN MacDONALD:** Say they've been refused the pet and they've taken that decision, should they be allowed to terminate the lease without penalty if consent is not provided?

**LEO PATTERSON ROSS:** We went a little bit further as well in saying that if we have the disclosure in the advertisement and if the refusal is on one of those factors and that hadn't been disclosed, then the tenant should actually have their moving costs paid for because they've been, essentially, misled into moving into a property and putting in an application without the information. But, certainly, for a person who has just moved and has in good faith applied and there's no suggestion that they are taking the mickey, there's not really a good justification for them then having to shoulder a significant amount of cost again because of the process not being adequate for genuine decision-making.

**The Hon. AILEEN MacDONALD:** If you could only have a single amendment to this Committee, what would you recommend as a way to prevent unintended consequences?

**LEO PATTERSON ROSS:** We find that hard. As we've flagged, the application process for the home is actually the root problem here. Within the terms of the bill and close to the intentions, moving that onus from landlord to tenant is the most realistic and straightforward thing that could be implemented immediately.

**Ms ABIGAIL BOYD:** I just wanted to ask about the consultation process. I understand there was quite detailed consultation on the bill before it was put forward and that the main change that surprised everybody was this reversing of the onus of who needed to take a dispute to NCAT. What was your understanding of those consultations? At what point did you discover that that model that we thought was going to be in there, with the landlord having that obligation, had not made its way into the bill?

**LEO PATTERSON ROSS:** There are probably some steps to clarify. Thinking about the pets reform generally, the previous Government had opened up an initial consultation on pets specifically, and that had a number—more than 10,000, but I can't recall exactly—of responses that made very clear the strong desire from

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renters and mixed feelings from landlords and agents, but it was not a mirror image. There were strong feelings from tenants and mixed decision-making from landlords and agents. That was the summer before an election, so it didn't translate into a bill then. The current Government had making renting with pets easier as part of their election platform, and the pets reform was part of the consultation.

I believe the amendment bill was improving rental laws. I may have got that wrong. But it passed in October 2024 and came into effect on 19 May 2025. In that process, there was another consultation—again, very strong support. The New South Wales Government's report on the consultation reported that 93 per cent of renters supported an approach to the decision-making where the landlord would have to apply to the tribunal. So 93 per cent supported the same model as had been, at that point, put in place in Victoria, ACT, and subsequently has been everywhere except Queensland. Again, the report didn't disclose the particulars of what landlords and agents supported or not, but, again, a mixed feeling.

We were part of the consultations around the development of that bill, including the pets. We understood, as that was going ahead, that the general trajectory was that we were moving towards the Victoria and ACT model, maybe with some differences in specifics but, generally speaking, we were moving in that direction. We found out that New South Wales had determined to follow the Queensland model following a media announcement from the Premier, the commissioner and others in the lead-up to that bill. I can't remember the date, but earlier in 2025. That set a change in process. Essentially, the department had to go back and rejig all of the settings that they'd been talking to us about in order to make the Act and the background knowledge of what the regulations would look like fit what had been announced by the Premier at that media event.

We heard of this some months before the bill was passed in Parliament, and we made a number of submissions saying this was the wrong path and we should be going for the rest of the country and the trajectory there, rather than Queensland. We had the advantage of knowing what it looked like in Queensland, where many people still find it very difficult, and we knew going into it that it was very difficult to apply. There had been some successful tribunal applications, but very few tribunal applications were being made to address it. That then passed Parliament in, as I said, across August, October—I believe October 2025 was when it passed both Houses. Then we had the regulation process before commencement in May.

This bill before us follows on from that and includes additional changes around the pet process that the department and the Government had identified as necessary through that. We were part of the industry reference group, mainly focused on protection of personal information rather than those particular pets. We were probably aware of some of these before the bill presented, but there wasn't the same level of consultation. There were several meetings of a wide range of stakeholders talking about the personal information part, which is the substance of the bill. I suppose there are two different legislation parts there.

**Ms ABIGAIL BOYD:** That's incredibly useful. Thank you very much for setting that out.

**The CHAIR:** The last group raised an important issue. The current legislation before us sets out how someone first moving into a property could apply to have an animal, but it ignores situations where somebody is already under a lease. The example that was given was that there's a deceased relative. The animal goes to the person who is renting so that the animal doesn't end up in a pound. How do they then enter this process of trying to get approval for that animal? Do you have any suggestions on amendments that could help tenants in those situations? How do we make sure that also doesn't set up a situation where somebody gets an animal, has seven days to apply to have that animal, gets a no and then potentially we see more surrenders, for example, through an accidental loophole there?

**LEO PATTERSON ROSS:** I think we might characterise that slightly differently. The legislation assumes you're already in the property—the whole framework, so not just this bill, but including the already existing rules—and so the person who has moved in a week ago or moved in nine months ago follows the same process and has the same basic barrier that the landlord's refusal may or may not be reasonable, backed up by evidence. So long as it follows the form, it puts the onus on the tenant to apply to the tribunal, and that's the big problem. What is different is, when you are at the very beginning of the tenancy, you're also a relatively long way away from the end of the fixed term contract. Twelve months is basically standard in New South Wales. We would like to see longer tenure, not necessarily longer contracts that bind tenants in, just for the record. You're approximately 12 months away, and so, if the landlord doesn't like that you asked, regardless of the outcome—and let's assume that you're successful—the tool of a retaliatory notice has been reduced with the introduction of reasonable grounds, but not removed.

There was a bit of attention a few weeks ago. A renter called Annaliese asked to care for a pet for a friend of hers for six months—so she wasn't even asking for it to be permanently in the home. She put in the application in the morning and in the afternoon she received a notice of termination where the owner asserted they were moving into the property, giving 90 days notice. It's impossible to check in the moment, but her suspicions were

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that that was a retaliatory notice. She hadn't heard of these discussions. That kind of worry about whether the lease will be renewed hasn't yet been addressed. The reasonable grounds reform helps, but is not yet settled. People don't yet have the confidence that the notices will be genuine. There are a number of factors in that we can go into, but the general confidence in the system hasn't been bedded down yet and so people are worried about that consequence.

I suppose the other thing that they would be worried about is rent increases, which are, again, largely unregulated in New South Wales. There is a system around excessive rent increases but it's very difficult to pursue with confidence. People are worried about that. They're worried about the retaliation, the consequences of asking for a pet, because they're conscious that the owner may react poorly and will use the tools that are available to them to decline the pet, with or without the application process. There are a number of changes we can make there. Again, the onus of going to the tribunal helps, but it doesn't resolve that worry in the first place. I think making sure that those notices are always genuine, always backed up with evidence, and the regulator is active and visible in acting to make sure that those things are happening, is what's really necessary there.

**The CHAIR:** Putting aside—and I know it's hard to put it aside because it's all tied together—the previous bill around who the onus was on in regard to going to the tribunal, if the bulk of the amendments that you have proposed pass in this bill, do you think that that deals with the biggest concerns that you have for tenants in regard to the changes within this bill going forward?

**LEO PATTERSON ROSS:** I think our recommendations, within what the bill is trying to achieve, would allay a lot of concerns about how it will play out in practice—that is, the two parts not addressed. The application process for the home is obviously hard to untie. We also understand that that is a big piece of work to untie that that process, so our recommendation was that it should be examined rather than trying to lay out a whole system. The changing of the onus, again, we asked for it to be re-examined rather than proposing a specific legislative change, although it could be done through this bill. Those two are the unresolved parts. I think that the rest would go a long way, particularly that disclosure—that extra information—that people have before moving in.

**The CHAIR:** Thank you so much for your time today. I note that, owing to the extremely tight time frame between the hearing and the report deliberative, there's a very limited window to any questions taken on notice. I can advise that the Committee has resolved that transcript corrections, answers to questions on notice or any clarifications to evidence or any further information that you want to provide to the Committee is to be provided within 24 hours on receipt of the transcript to the witnesses from the secretariat. They'll be in contact with you over the coming days in relation to any of those questions on notice and to provide you with the transcript for today's hearing. Thank you again for your time.

**(The witnesses withdrew.)**

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**Mr JASON PARTRIDGE**, Member, Property Management Chapter Committee, Real Estate Institute of New South Wales, affirmed and examined

**Mr JOHN GILMOVICH**, President, Property Owners Association of NSW, sworn and examined

**Mr JAMES RUBEN**, Vice President, Property Owners Association of NSW, affirmed and examined

**The CHAIR:** I welcome our next witnesses. Does the Real Estate Institute of New South Wales have an opening statement?

**JASON PARTRIDGE:** We do, thank you. Good afternoon, Chair and members of the Committee. Today I represent the Real Estate Institute of New South Wales, the property managers working in the industry and our landlords whose properties we manage. Firstly, I'd like to acknowledge that the industry supports the objective of improving privacy protections for tenants. Protecting personal information is important and we recognise that trust and transparency is essential for a fair rental system. However, we do have concerns on some aspects of the proposed bill that don't reflect the realities of tenancy management. Property managers have a dual responsibility. We must protect the financial assets of the landlords who own the property, but also ensure that tenants aren't placed in residential agreements they cannot reasonably afford. To achieve that balance, it is essential for us to be able to assess applicants thoroughly, verifying rental history, financial position and identity. Without this ability to verify this information, there is a real risk that tenants may be put into residential leases that put them under financial stress, while landlords are exposed to significant financial risk if tenancies fail.

Importantly, we do not see this as tenants on one side and the landlord and the property manager on the other side. Our industry reflects the broader rental community. Many property managers themselves are renters. The fastest growing property investment type is what we call rentvestors. These are people who rent where they live, but own an investment property that provides rental housing for others. Additionally, the vast majority of property investors have family members or loved ones who are tenants themselves. The truth is this is one community working together to meet everyone's housing needs, with the overwhelming majority of participants acting responsibly.

We agree that tenant privacy can be improved and that better systems for managing personal information should be developed. Our industry supports the important implementations in these areas. However, these implementations can't be at the expense of landlords' ability to protect their assets or of property managers' ability to represent and responsibly assess and manage tenancies. For example, the provisions relating to identity verification may require further clarification to ensure that agents are still able to verify an applicant's financial capacity and retain appropriate documentation where necessary for potential future tribunal or court processes. Likewise, the provision allowing pets to remain in a property while the owner is still assessing the request could create uncertainty where a pet may eventually be declined for legitimate reasons.

Finally, I'd like to consider the broader housing situation. At a time when rental supply is already under significant pressure, regulatory variations should avoid unnecessarily discouraging property investment. We have seen in other jurisdictions that the rapid pace of regulatory change has led to a significant reduction in rental housing supply. Ultimately, our goal is not to oppose reform. The industry supports stronger protections for tenants and improved privacy standards. What we are asking for is continued consultation to ensure these changes work effectively in real-life practice, allowing property managers to responsibly assess applications while managing confidence for property investors. Without their properties, we simply wouldn't have a rental market. Thank you for the opportunity to contribute today.

**The CHAIR:** Is there an opening statement from the Property Owners Association?

**JOHN GILMOVICH:** Good afternoon, Chair and Committee. We were given a very short period of time to make a submission. This feels like it's being rushed through once again. Property Owners Association has been at the forefront of key stakeholder in New South Wales for the last—we've been around since 1951. Obviously that's not James and I, but in the last 25 years we've been heavily involved in tenancy reform. We feel this particular bill is merely a sugar hit and not really addressing tenancy issues at hand or looking at a future for housing. Many years ago, a predecessor at Fair Trading said that we want to go into the future and leave the past behind. This bill has certain clauses, ideas and policies in it that we feel are taking us back to the 1980s and not really addressing modern-day living.

Furthermore, with the immense pressure on housing, the immense pressure on the cost of living, these sorts of bills going through with tinkering at clauses will add further pressure on the housing market. From my understanding, the Minister's speech said that the bill is trying to establish a fair renting system. We are still yet to understand what is unfair about the current renting system. There's only one quantifiable thing at play, and that's the actual cost of renting a property. All these continuous added layers of legislation, compliance and

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property upgrade will no doubt lead to higher costs of running a property, owning a property and, of course, those costs eventually being passed on to tenants.

We need to have a long, hard look at this particular bill. There are a lot of issues with it, which we'll discuss, in what we feel is not the future of a fair renting system. We're all for a fair, equitable and reasonable system between landlords, tenants and all key stakeholders in property. However, over the last 15 years of our involvement in making submissions to government, it certainly doesn't feel like we're going in the right direction. The evidence is there that the housing crisis will worsen.

**The CHAIR:** A number of submissions that we've received to this inquiry have said that they want landlords to disclose in the ad if the property specifically is not suitable for animals under the previous legislation that passed. One of the explanations for that is so that tenants don't necessarily apply for those properties when they've got animals. It sort of overcomes this concern that we've been discussing this morning where somebody moves into a property, potentially applies to have an animal, is refused for a genuine reason and then that puts both the landlord and the tenant in a difficult situation because the animal is currently in the property. It could see new tenants breaking leases almost immediately. I wanted to get your thoughts on whether there should be some sort of very basic information about whether there's a law or a by-law preventing somebody from having an animal and whether that should or shouldn't be in the advertisement for the property.

**JOHN GILMOVICH:** Our position about pets and animals is we're not against it. We're pro-choice of property owners, owners' corporations and strata living to make decisions with all facts and information at hand and whether a particular animal is suitable to go into a premises. At the same time, there are a vast many reasons as to why a landlord chooses not to have a pet in their property. It could even be their own home that they live in and they may have allergies or other medical issues surrounding the keeping of animals. As far as your question around suitability, property managers and landlords really don't know anything about the animal, except for what they see in an application form.

**The CHAIR:** Just to clarify my question, we've got two pieces of legislation. We've got the one that's in front of us now. In the previous legislation that's somewhat linked to this legislation, there was a legislated list of reasons that a landlord can refuse to have an animal. Some of those reasons were very black and white, like the example you just gave that the landlord resides at the property, for example. It wouldn't necessarily need to say on the ad, "The landlord resides at the property," but perhaps on the ad it would say that there is a law or by-law that prevents animals from being in this property and that's disclosed in the advertisement section—not necessarily for every single aspect but for those ones that are really black and white—so that tenants are aware of that before they apply and move in with an animal.

**JAMES RUBEN:** I think the short answer is that there's obviously a need to regulate this. The reality is that most people who have pets are fine. They follow the rules, and the pets are not a problem. The issue that we've got here is, obviously, that the situation, which you described correctly, is that you don't want someone to go into a property, then apply for a pet and then find out they can't have it several weeks into their tenancy. Then it's a headache for everyone involved, including the tenant, the owner and the agent. I think advertising—I suppose, while we're cognisant that we don't want to create a burden on managing agents, and we don't want to create a burden on owners of properties that they need to or are required to advertise additional things, in circumstances where a property is clearly unsuitable for a pet, I think it makes sense to include that in the ad. That is the short answer.

"This property has two bedrooms et cetera, and it's not suitable for a pet." As long as it's clear that that's there, that would obviously alleviate some of those situations. Each application would be taken on its face value on the facts at the time. There will still be circumstances where the situation that you described arises. But if there is, for example, an allergy reason, the landlord resides in the property, no application is going to be approved and there's a legitimate reason for that, I think indicating that at the application stage is probably a sensible idea to prevent the potential of the later headache that might arise.

**JOHN GILMOVICH:** On one hand, you have this situation. On the other hand, as the property owners, we also don't want to close off the marketplace as well because, I would say, a good 50 or 60 per cent maybe are pro-pets—maybe more. At the same time, we don't want to close the market by putting a disclosure like that on the ad, preventing 20 per cent or 30 per cent of the renters out there from applying or looking at the property as well. You've got to find a fine balance. But, practically, you would want some sort of a pre-application process to approve before moving into the premises and not the other way around.

**The CHAIR:** The concern that we've heard this morning is that if the application is made or a declaration is made before moving in—we heard and we were given examples where people just couldn't enter the property market. This was particularly problematic for people leaving violent situations. For example, we've got research saying 70 per cent of people stay in violent situations because they can't find a property with animals that will

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accept their applications, once they actually indicate that they've got an animal. Many of those people end up applying and not declaring that they've got an animal just to be able to enter the property market. How do we fix that situation? If you're saying we've got to apply or it's got to be up-front, and that blocks a whole lot of people out of the property market—they can't find a rental in an emergency situation, they end up not declaring something and then landlords don't have this information to hand—how do we then balance that?

**JOHN GILMOVICH:** Declaring and not declaring are two different things. I believe the current legislation pretty much allows for pets to move into a property, within reason, and not take into consideration the seven reasons why they can be declined. If you're honing in on a domestic violence situation, whether it's right or wrong to categorise those classes of tenants, maybe remove an obstacle there. But, at the same time, I believe that the current legislation pretty much allows a tenant to keep an animal within the current rules.

**JAMES RUBEN:** Can I just add to that? I think, quintessentially, the current legislation, without the amendment, does require—there's an onus on a property owner to accept an application with a pet in most circumstances, except for the prescribed reasons for which you can decline a pet. I think I would be encouraging applicants to rental properties to be honest and truthful in their applications, even in circumstances where that might not be comfortable. Part of the problem is that there is an existing obligation. If an application is made and it says, "I've got a pet and I'd like to have my pet there", that's not a reason for an application to be declined, except for in those circumstances, and that's already the case.

I think if there's a problem where people are not putting that on their application and then that is leading to a situation where they get down the track and they're now in occupation of a property—where they've misrepresented information on their application and now they're in a situation where there's a legitimate reason that they can't be there, that situation has arisen because of the misinformation. Obviously, I can understand there's situations where applicants—as you suggested, there's no doubt about it, there's situations where applicants are not inclined to represent because they have concerns that it'll make it more challenging to secure a property and all of these things, but I think the forward advertising is not necessarily going to resolve that problem if the problem is that people are not declaring it in the first place.

**The CHAIR:** We heard this morning both from the Animal Welfare League and the RSPCA that the new laws haven't really had any effect, similar to Queensland, because of the way that the laws were designed to put the onus on the tenants. They're finding the same number of animals being surrendered into pounds and rescue centres for the reason that they can't enter the rental market and find a suitable rental with their animals. The information we're getting today is that the current situation actually hasn't changed for many renters. I guess what we're now grappling with is how we make it easier for these people to be able to actually enter the rental market if they have an animal with them, particularly for these vulnerable groups, and make sure that they're able to actually access rentals.

We also had a lot of evidence this morning from different organisations that there's a big market at the moment for rental properties, and as soon as somebody ticks that they've got an animal, they say that their application is essentially automatically ignored, and it's not until they take that out of their application that they can actually enter the rental market and find a rental property. How do we deal with this situation? Simply saying, "Just be honest on your application", if they're going to continue to be refused and they're trying to leave a violent situation—obviously that's not a realistic situation for real life for many people. I'm trying to get some thoughts about how we actually deal with that.

**JOHN GILMOVICH:** That's a fair question.

**JASON PARTRIDGE:** Can I jump in? I'm on the ground with a property manager and I deal with this every day, and I can assure you that there is no discrimination against tenants for having pets. It's like 70 per cent of our owners are pet friendly, and when we have applications, the far bigger reason why people get rejected is affordability purposes. We have a responsibility not to put people in a property that they can't afford. It's easy to go back to a tenant advisory group or whatnot and say, "The reason I got rejected was because I have a pet", but there's no evidence to say that that is the case at all. They even admitted today when they were talking that there's no evidence, no statistics to say that the feedback is based on the fact that they've got discrimination.

**The CHAIR:** I think they said that there was no data being recorded to actually show that that was the reason for refusal.

**JASON PARTRIDGE:** But they also stated that there's no reason given when an applicant is rejected, so how can they assume—

**The CHAIR:** Yes, so they're saying that there was no data, there was just anecdotal information from people that once they took that off they were able to enter the rental market.

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**JASON PARTRIDGE:** From a property manager's point of view, I'd far rather approve a person with a pet already on the application than put somebody in there without a pet, knowing that they can then turn around and get any kind of pet. We can control the situation a lot better by being up-front and honest, and I don't believe it's the right move to not have a pet apply on the application. There's discrimination measures already in place. The old Act has very specific reasons why a pet can be refused or not refused, and as far as I understand the statistics I know, every single case that's gone to the tribunal has been overruled in the tenant's favour when it comes to pet discrimination or a pet applying to be in the property.

I don't think the mechanism's broken, I just don't think that you've got enough time to base it off whether this is working or not. When you're getting to surrendering of pets, I totally understand—I'm a pet lover myself—but we might have to look at the simple fact that the amount of surrendering hasn't changed, and it may very well not change when you bring these new measures in at all. Domestic violence is a perfect example when you're saying that it's not fair for somebody who can't get a rental property going through domestic violence. There are already measures in place where we are not able to discriminate against domestic violence, and nor should we. But we're not even supposed to know that they're a domestic violence person. So if you're going to change the legislation to identify that they get a different ruling than others, then really you're just outing people that are going through domestic violence.

**The CHAIR:** I don't think that's on the table.

**JASON PARTRIDGE:** Just explain this to me: If somebody moves in for domestic violence purposes and then admits that they've got a pet and then they come along and do the seven-day turnaround, and the ruling is that the pet isn't allowed to go there, how much trauma does that person—who's already suffered domestic violence—go through, moving to a property and now have to relocate and find an alternative property?

**The CHAIR:** That's the problem I'm highlighting, because the other alternative, then, if we don't make it so that it's easier for them to find a rental, is to leave them in the violent situation where they could be killed.

**JASON PARTRIDGE:** Well, nobody wants that. No, absolutely not. But being up-front though—

**The CHAIR:** That's what I'm saying. At the moment these are the two options: Leave them in the violent situation where they'll get killed, or make it easier for them to enter the rental market with the animals so they can leave a violent situation. But, yes, now we've got this new problem where they could get thrown out in seven days.

**JASON PARTRIDGE:** Exactly.

**The CHAIR:** That's what we're trying to fix here.

**JASON PARTRIDGE:** Everything we're talking about, from what I've witnessed, this morning is trying to have a workaround for something that might not be the best idea to start with, and that is to not disclose that there are pets on the application. If you're a parent and you've got children, you wouldn't not disclose you've got children on the application. Pet owners see a pet as a family member. I don't understand why admitting that until after they move into the property is a good idea; I really don't. It's going to continue to cause conflict between the landlord, the agent and the tenant.

**The CHAIR:** But you're going back to saying, "Leave them in the violent situation where they might be killed," which is the whole problem that we're tackling right now.

**JASON PARTRIDGE:** No, absolutely not. That's not what I'm saying at all. I'm saying, "Let property managers help them find properties that will accept a pet without question," and therefore there's no event where they're asked to move out of the property in seven days from when they apply for the pet.

**Ms ABIGAIL BOYD:** Good afternoon to our witnesses. Listening to the evidence just then from you, Mr Partridge, it does seem a little bit at odds with itself. On the one hand you're saying that there is no discrimination against pets, it's not really a big issue and there's a significant portion of landlords that are quite happy to have tenants with pets. But on the other hand anything that actually recognises that acceptance in law is problematic if it results in a tenant being able to just bring their pet with them without any consequences. One of the really compelling arguments that was put forward by our first panel of witnesses was around this idea of, "You don't ask people if they're red wine drinkers; you don't ask people if they're messy bolognaise eaters and they're going to get tomato sauce all over the walls." Why is it that there is such a stigma around pets, particularly when you have the same rights, as a landlord, for any damage caused by pets as you would by red wine or something else?

**JASON PARTRIDGE:** Can you just rephrase the question, sorry? You were saying that—

**JOHN GILMOVICH:** You're comparing red wine with a live animal going into a property that could potentially damage the property, bite someone in the common area, or leave an absolute mess—as we know some

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pets have done and caused. I think the comparison is ludicrous, to raise that sort of thing. What I'm finding at the moment is that you're proposing just a blanket rule of a property owner having no choice—zero choice—of deciding whether they allow a pet or not. That is what I'm hearing today. As a property owner, why wouldn't I be able to have a choice whether I allow a pet in or not, let's say, due to health reasons? It's my property; I live in it. I've moved out of it; I've rented it out. I do not want a pet in there because I've got severe allergies or health issues. I'm planning to come back to that house one day.

**Ms ABIGAIL BOYD:** That seems like quite an extreme circumstance, though, doesn't it? In those circumstances—

**JOHN GILMOVICH:** It's not extreme at all.

**Ms ABIGAIL BOYD:** Do you have family pets?

**JOHN GILMOVICH:** Yes.

**Ms ABIGAIL BOYD:** Do you have a problem with your pets wrecking your house and biting people? Or is this just other people's pets that are problematic?

**JOHN GILMOVICH:** You can't categorise just one pet. There are incidents that happen every day. Yes, they do bite. Yes, they do bite floorboards, scratch, put holes in walls, pee all over the place, pee on carpet, bite the neighbour—

**Ms ABIGAIL BOYD:** Is that what your pets do? Why are tenants' pets more unruly than a landlord's?

**JOHN GILMOVICH:** It's not tenants' or my pets; it's pets full stop. It's a wild animal going into a property.

**Ms ABIGAIL BOYD:** It's not a wild animal; it's a domesticated animal. I'm trying to understand. On the one hand, your colleague there was saying that there's no problem and people are not going to get discriminated against if they say that they have a pet. But on the other hand, we hear you, Mr Gilmovich, saying that actually there is a presumption that pets are problematic and are somehow going to run rampant around your property and cause a problem. Which is it? Do we need to protect tenants from landlords who are going to discriminate against them or don't we?

**JOHN GILMOVICH:** We don't need any protections. What we need is pro choice.

**Ms ABIGAIL BOYD:** For the tenant or just for the landlord?

**JOHN GILMOVICH:** For the landlord. At the moment, they don't have a choice. The new legislation that got started and enacted pretty much allows a tenant to move a pet in on application. I'm close to the property management industry as well. What I'm finding and what I've found in the last two years doesn't match up to the facts that were presented by the last witnesses. We have seen a surge of pets going into property, including the vast majority in the strata. What's happening as well is that in applications right at the start, pre tenancy, pets are not being disclaimed at all. What's happening is, once a tenant moves into the property, two to three weeks later, they put a pet application in.

**Ms ABIGAIL BOYD:** Sorry, coming back to the question, I put to you that I find your view quite extreme. When we look at all of the people who have consulted on these laws over the last few years, it is only yourselves that really is arguing strongly for this argument that there should be this assumption that tenants can't have pets without permission and, presumably, also, that a tenant is the one that needs to take the matter to NCAT. Given that you're the only ones that I've heard saying that, was it yourselves who lobbied the Premier to overturn the state of the bill when it was going to put that onus on landlords to take the matter to NCAT?

**JOHN GILMOVICH:** Why is this question relevant to this hearing?

**Ms ABIGAIL BOYD:** It's very relevant, isn't it? Is there a reason you don't want to answer?

**JOHN GILMOVICH:** Can you explain that further—why it's relevant?

**Ms ABIGAIL BOYD:** It's relevant because the bill that was then presented to the Parliament is not representative of the input and the consultation process. People are very concerned.

**JOHN GILMOVICH:** Yes, but that's on the tenant side of things. We represent the landlords and property managers.

**Ms ABIGAIL BOYD:** Being the representatives of the landlords that you are and trying to do that job as effectively as possible, did you lobby the Premier?

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**JOHN GILMOVICH:** We put a submission in saying that we are open to having pets—no issues at all. We put a proposal of a rental pet bond to assist tenants moving into properties with pets. But, at the same time, we also put a proposal in that we would like to have a choice, as the property owners.

**Ms ABIGAIL BOYD:** Did you speak with the Premier when you became aware that the Cabinet had actually approved a bill that didn't have that in it?

**JOHN GILMOVICH:** Do you remember speaking to the Premier? I don't.

**JAMES RUBEN:** I'd like to speak to the Premier. I have a few things to say. No, I haven't had that pleasure yet.

**Ms ABIGAIL BOYD:** Did somebody lobby the Premier on your behalf? Perhaps Mr Iemma?

**JAMES RUBEN:** No.

**JOHN GILMOVICH:** No.

**Ms ABIGAIL BOYD:** No lobbyists on your behalf?

**The Hon. MARK BUTTIGIEG:** Point of order: This has been a somewhat consistent theme—and I've been reluctant to raise it—but the points being raised by Ms Boyd relate to the 2024 bill, which was already debated and passed. This particular one is related to the bill we're considering. It would be helpful if we stuck to that frame.

**Ms ABIGAIL BOYD:** To the point of order: We had a number of recommendations in the submissions in relation to this that are clearly saying that that NCAT presumption needs to go back to what it was in the bill as it was drafted prior to it being introduced in 2024. We've had submissions asking this inquiry to actually ask these questions, and so that is what I'm doing.

**The CHAIR:** I take note of the fact that the Minister introducing these bills has very clearly indicated that the bills are linked and that he was doing it in tranches. Given that the outcomes of the 2024 bill obviously impact the outcomes of this bill and the purposes around this bill, I will allow the questions.

**Ms ABIGAIL BOYD:** To close off on that, can I confirm whether any of you, either directly or indirectly through any lobbyist or other entity, lobbied or advocated strongly to the Premier just prior to that press conference for this to be changed and for the bill to be presented differently?

**JOHN GILMOVICH:** No, we didn't. Secondly, we weren't even consulted on this bill, and we've never even met the Premier.

**Ms ABIGAIL BOYD:** Sorry, not this bill, the one from 2024.

**JAMES RUBEN:** If you could ask the Premier to consult with us in future for property-related bills, that would be actually very appreciated. You'll be able to find our policy positions, which we can share with you, on all sorts of property-related things.

**Ms ABIGAIL BOYD:** So your evidence is that the Premier just unilaterally decided—

**JAMES RUBEN:** I have no idea why the Premier did what he did.

**Ms ABIGAIL BOYD:** —just before a press conference, to change the bill?

**JAMES RUBEN:** No idea.

**JOHN GILMOVICH:** The Premier does what he wants to do. But we were not consulted on this particular bill.

**Ms ABIGAIL BOYD:** No, the 2024 bill. Are we talking about the same thing? Let's just be very clear that we're talking about the same thing. I'm talking about the bill that was presented in September 2024. There was a press conference and, just before that, the Premier flipped and decided suddenly that the landlords would not be required to be the ones taking these matters to NCAT. Instead, we followed the Queensland model. Did you lobby him before that, either directly or indirectly, so that he would make that change?

**JOHN GILMOVICH:** No, we didn't.

**The Hon. AILEEN MacDONALD:** I might start with you, Mr John Gilmovich. Your submission suggests that the bill introduces substantial penalties and administrative burdens for landlords. Could you outline the most significant compliance challenges?

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**JOHN GILMOVICH:** There are many on this front. From what we read in the bill, protection of personal information, the bill presents an argument to eradicate the use of third-party application apps and eradicate the ability to vet tenants properly to see if they're financially fit or credibility fit to move into a property. The property management industry and private landlords rely heavily on technology to help assist the burden of day-to-day running of property portfolios. Those property apps probably eliminate about 40 per cent to 50 per cent of the workloads, with a streamlined process and a systemised way to keep records and be able to vet tenants correctly and be able to present to property owners a list of tenants that qualify or could potentially qualify as the best fit for tenants.

Removing such things would add immense pressure on time, which means that more resources have to be added. Real estate businesses are generally small businesses or private landlords that manage their own properties. You would need extra staff, extra costs, extra time to be able to process what are dozens and dozens of applications per property on a Monday morning after a Saturday open house weekend—as well as potentially causing serious mistakes and choices of tenants.

**The Hon. AILEEN MacDONALD:** Because you have to do them via—

**JOHN GILMOVICH:** Because you have to manually do everything. What I said earlier in my opening speech is we're going back to the 1980s way of doing rental management.

**JASON PARTRIDGE:** The real issue here is the amount of applicants that apply. Restricting these external sources to make it easy and convenient for tenants to apply, number one. Number two is it would go back to first in, best dressed. Therefore, not everybody would get a fair opportunity to apply for the property. That doesn't seem fair.

**The Hon. AILEEN MacDONALD:** So you would argue that they should still be able to have those third-party apps or technology, to be able to process or vet?

**JOHN GILMOVICH:** Yes, because those apps help and speed up the process of actual approvals; that's number one. Number two, they lower the burden and the sheer time it takes to actually process 10 to 12 applications per property. In an average real estate business, there could be five to 10 open homes over the weekend, so we are potentially talking about 100 applications to be processed and that's on top of a general property manager trying to manage a portfolio of 150 to 200 properties.

**The Hon. AILEEN MacDONALD:** The bill seeks to limit the amount of personal information.

**JOHN GILMOVICH:** I read that, yes.

**The Hon. AILEEN MacDONALD:** From an industry perspective, what information do landlords genuinely need to be able to assess applicants?

**JAMES RUBEN:** I think, quintessentially, in other respects—and I don't know why it's being viewed differently when it comes to the housing market—there's an obligation, for example, for banks not to undertake predatory lending practices, and to do that they need a particular amount of information. Yes, it might be uncomfortable for your bank when you apply for a credit card to ask you, "How much do you earn? Have you got a payslip? Have you got all this information?" But at the end of the day, they have a duty of care not to lend you money that you can't repay, and everyone accepts that. It's no different in the housing market. There's a duty of care, an obligation, on property owners and their agents to make sure that, if they sign a lease with someone and that person ends up living in a particular property that they manage or they own, that person has capacity to pay the rent and meet the obligations to which they've been bound.

I think, at the very minimum, if you think about what information do you need to make that decision sensibly as a property owner—and we're talking here about the property owners as well, because the agents go along and collate the information and ultimately give it to the owner of the property and say, "Here are three or four applicants that we think are pretty good. Which one of these would you like?" In order to make an informed decision, you have to know how much do they earn, if they've got huge financial obligations, those kinds of things. At the very least you would want to see, well, they earn a particular amount of money. Do they have savings? Do they have a payslip that confirms their level of income?

**JOHN GILMOVICH:** And that they are who they are—or who they say they are—because we're now in the world of scamming, as we know, and it's very easy to forge documents, digital documents as well. We need to know, and property managers need to know, that that person applying for a property—the owner is taking a risk here of letting a total stranger into a rental property, but they have a right to vet them and they need to collect ID. They need to know that they have a job, they need to know that the past rental history is clean, and they need to know if they have an animal.

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**JAMES RUBEN:** Yes, and it's not in anyone's interest, including the tenant's interest, if they're permitted to rent a property that is beyond what they can afford. That's not going to be a benefit for the property owner, it's not a benefit for the tenant and it's not a benefit for the agent that's involved and has to now manage this situation. Everyone's cognisant that we want to share as little personal information as possible. That, I think, is not an unreasonable aspiration. But the information that has to be shared in order to make a proper informed decision needs to be adequate to determine whether the incoming tenant has capacity to actually pay for the commitments they've made. It's no different to when I booked to go to a restaurant with my wife the other day and they asked me for a credit card and to pay \$50 in case I don't turn up or whatever. To be honest, I resented doing that. But I can understand and sympathise with the restaurant, why they do it.

There's an element of that. Someone makes an application, that doesn't mean that they've—in the same way, the banks and other institutions have these predatory lending obligations and a duty of care, and just because someone has applied for a credit card, it doesn't mean that they've got the financial capacity to repay that debt. It's no different with rental properties. Just because someone's applied for something that's \$5,000 a week, that doesn't mean that they have the capacity to pay for it, and there's an obligation on the property owner to confirm that they do before they agree to entering into this arrangement.

**The Hon. AILEEN MacDONALD:** So you would say that the privacy reforms themselves are reasonable, but the regulatory burden is becoming excessive. Would you agree?

**JOHN GILMOVICH:** Not really, no. We don't think the privacy bill is reasonable at all, when they impose \$49,000 penalties on noncompliance. What penalties are there for tenants in this bill, or any bill, for that matter, or in the Residential Tenancies Act? None. Yet, the agents, the landlords—property owners—carry all the risk but are not allowed to vet tenants anymore, as far as this bill is concerned, okay. They're the ones taking the risk.

**The Hon. AILEEN MacDONALD:** In your view, would you say that this bill would discourage investment in rental housing?

**JOHN GILMOVICH:** One hundred per cent.

**The Hon. AILEEN MacDONALD:** What evidence would you put forward to support—

**JOHN GILMOVICH:** Look at Victoria.

**JASON PARTRIDGE:** There's over a 30 per cent decline in rental stock.

**The Hon. AILEEN MacDONALD:** Since the introduction?

**JASON PARTRIDGE:** Since introduction of such measures.

**JOHN GILMOVICH:** Yes, very similar to this—that's on our tables.

**JASON PARTRIDGE:** We watch it very closely because ultimately that's what we're experiencing. Our rent rolls are depleting at the moment because of people getting fed up and selling. They can earn more money in a term deposit than what they can on the return of their investment property, so why take the risk? More legislative change that gives them uncertainty or lack of choice, in their perception, will result in more people selling property.

**The Hon. AILEEN MacDONALD:** What amendments could be applied to balance the privacy protections and maintaining rental supply?

**JOHN GILMOVICH:** There are two different things going on here. We know by evidence and our own modelling, if you like, and so forth, that the more regulatory compliance that is placed upon the property owner, the higher the risk, which means the higher the costs but also means that owning a property becomes less desirable because of all this red tape, compliance, risk and costs. Anecdotally evidence is there already that such harsh reform means that property—we know it's housing, but property is also an investment. Right now the investment isn't looking like a very good investment if these are the rules and regulations to play within, as evidenced in the Victorian market, with a mass exodus. We do have an exodus in New South Wales as well.

**JAMES RUBEN:** Can I jump in to add to that? I think everyone seems to get lost in this "us and them" mentality—that tenants are this and that and landlords are this and that—and they're all butting heads. I think the reality is quite different from that. I think a lot of commentators don't quite understand the nuance that the vast majority of people that own investment properties are mum-and-dad investors. I think the stats are that it's 75 per cent of owners have only one or two investment properties. So you're talking about a cottage industry with a very large number of very small players. That's the starting point of the context of all this.

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The thing is that those players—what you've got to do is picture how they make decisions. This is like a mum and a dad—middle-class people—that might have some surplus savings and they think, "Where are we going to invest this?" Those are the investment decisions that actually drive the entire rental market. Making changes where you're doing things like introducing penalties of nearly \$50,000 for noncompliance—when you introduce that, there won't be an immediate reaction. There is no industry body that ties together cohesively every single little cottage-level investor. The POA does a good job with our members, but there's a whole industry of cottage investment.

What will happen is, it'll take time. When someone—that mum-and-dad investor—gets a \$49,000 fine, they then scratch their head and think, "Will we buy another investment property? Probably not. Will we sell this one? Will we invest in the share market where there's less risk?" These are not big, highly capitalised investors. It will take time for that change to flow through to investment decisions because, by nature, they're slow moving. No investor, really, looks and says, "Oh, there's been a change to the tenancy law. I think I'll sell my investment property." It takes time. They have to have a bad experience at NCAT. They have to have other things go on that lead up to it.

In that way, it's taken 30 years of policy to get to the current undersupply that we've got, and it'll probably take 10 years of good policy, if you start right now, to fix that. To imagine that you can make a few changes to the tenancy laws and that's going to fix it, I think is wishful thinking. Those investment decisions take time to bleed out. If you make decisions now, the reality is that will worsen it and make it less attractive. It's not going to lead to a dramatic change that'll be visible tomorrow. It will just add to the weight of things that have caused the investment decisions that have gotten us to where we are and, 10 years from now, it will be worse.

**The Hon. AILEEN MacDONALD:** I'll change tack. Some stakeholders argue that landlords would be better placed to manage the tribunal process rather than the renters. What's your view on that in terms of pet applications?

**JAMES RUBEN:** In terms of the interactions that happen at NCAT—and I don't have the stats in front of me—again, because it's a cottage industry, very few of the players that are involved are regularly in front of NCAT. We're not talking about big corporations. If you're a mum-and-dad investor and you have one investment property, the reality is, over 20 years, you may never have a matter that is before NCAT. So I think the level of stress and anxiety that happens is equal on both sides. That's the first thing. Again, this is going back to the characterisation of landlords, "They've got lots of money. They're big fat cat property investors. They've got the money to engage lawyers and to deal with matters at NCAT." I think that's an error of judgement and a mischaracterisation of the industry. The people that I know who have owned an investment property and have had a matter before NCAT, for any reason, have found that incredibly stressful. Obviously this is anecdotal, but I know who have been on tight budgets and found that incredibly stressful. It's an unfair characterisation to say it's one party; I think both parties, to be honest, would be new to the NCAT process.

**The Hon. MARK BUTTIGIEG:** To get back on point in terms of dealing with a bill where there's been amendments proposed, we've discussed a couple of them but I want to get your view in particular on the proposal to give renters 30 days to rehome a pet after the landlord's refusal or while NCAT makes a decision. Can I have a quick view on that?

**JASON PARTRIDGE:** The previous bill outlined the legitimate reasons why an owner can reject the application. I feel that if those are legitimate reasons, then I don't see the necessity for the 30 days. There is the NCAT appeal process to which the tenant has full rights. As far as I understand, again, the statistics we see is that there has not been one case that a NCAT hearing has heard that hasn't weighed in favour of the tenant. So there's really no risk to a tenant to, number one, go through with the process to go to NCAT if they feel that they've been discriminated against. Number two, if there's a legitimate reason for the pet approval to be rejected, I don't think there should be an extension of the time frame to rehouse the animal. This, in my view, goes back to concealing the fact that you have a pet while moving into a new tenancy agreement. That's causing more of these issues than what it would be if they were up-front at the start, and most owners would be happy to approve it at day one.

**The Hon. MARK BUTTIGIEG:** What about allowing the pet to stay in the rental property while NCAT makes a decision after a landlord refuses a pet?

**JASON PARTRIDGE:** I understand that there are complicated scenarios there. That may be something that needs to be legislated a bit more. I guess that would be fair in respect to, until the ruling has been heard by NCAT, to allow that period of time. But then it opens up other windows of problematic in regards to damage to the property. Does that mean that the tenant's core lease is affected by the pet being in the property for that period of time? The tenant would then need to make remedies to correct the property in such instances. I think that's something that needs to be further debated.

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**JOHN GILMOVICH:** Mark, what if a pet is in a strata property, you've got two neighbouring apartments, that particular pet is barking day and night and you've got a mum living next door with a newborn that can't sleep at night?

**The Hon. MARK BUTTIGIEG:** There are nuances.

**JOHN GILMOVICH:** Is your concern the time frame or the concern of a property owner making a decision that that pet is no longer suitable in that property?

**The Hon. MARK BUTTIGIEG:** That's a fair enough point. What about allowing renters to terminate their lease with no penalty if a landlord refuses a pet application?

**JASON PARTRIDGE:** Again, it comes down to concealing the fact that you've got a pet at the start of the application process. That wouldn't be an issue if that was the case. My view is that the landlord, in good faith, has accepted that applicant. Now they're coming back with a pet request and they knew that they had the pet at the start of the tenancy. We're going through the same answer as before. There are already outlined, prescribed reasons why the owners can refuse the pet. If we get past that and it's awarded that, yes, that pet can be refused for legitimate reasons, why would the landlord have to incur the costs of allowing the tenant to break their lease—a legal document to say that they've got security for that period of time? What about the compensation? In the bill it talks about economic compensation for people who are affected by things. Does that mean that the landlord then has a case against the tenant for re-leasing the property if they're out of pocket for the transaction?

**The Hon. MARK BUTTIGIEG:** I know you covered off on the advertising one. I'm not sure if you did this one—extending the grace period from seven to 14 days.

**JASON PARTRIDGE:** In my view, again, it branches the whole problem from not disclosing at the point of application. Seven days, if that's what it needs to be, is ample. Extending it any further risks further confusion moving forward.

**The CHAIR:** Thank you for giving your time today to give evidence. I note that, owing to the extremely tight timeline—I don't think anything was taken on notice—we have a very short time between the hearing and the report deliberative, so there's a tight window for any questions taken on notice. I can advise that the Committee has resolved that any transcript corrections that you want to make, any questions on notice, any clarifications of evidence that witnesses want to make and any additional information that you want to provide the Committee has to occur within 24 hours of receipt of the transcript. The secretariat will be in contact with you in relation to any questions on notice, but also to provide you that transcript of today's meeting. Thank you, again, for your time.

**(The witnesses withdrew.)**

**(Luncheon adjournment)**

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**Ms LIVIA STANTON**, Senior Policy and Advocacy Officer, Domestic Violence NSW, affirmed and examined

**Ms RHIANNON COOK**, Acting Deputy Chief Executive Officer, Domestic Violence NSW, affirmed and examined

**Ms ANNA LUDVIK**, Acting Chief Executive Officer and Founder, Lucy's Project, before the Committee via videoconference, affirmed and examined

**Ms RISHIKA PAI**, Board Director, Lucy's Project, affirmed and examined

**The CHAIR:** Welcome back. Do we have a short opening statement from Lucy's Project?

**RISHIKA PAI:** Yes, thank you. Thank you for the opportunity to appear today on behalf of Lucy's Project. Lucy's Project is a national harm prevention charity focused on the intersection between domestic and family violence and animal abuse. Our work seeks to remove barriers to safety for victim-survivors who have companion animals through research, advocacy, collaboration and education. Research shows that animals are often present in households experiencing violence. Approximately 70 per cent of Australian households have companion animals, and concerns for those animals can significantly affect victim-survivors' decisions about leaving. Perpetrators of domestic and family violence often threaten, harm and kill animals to control and intimidate women and children. Research suggests that up to 68 per cent of victim-survivors with animals delay leaving a violent situation because they fear for their animals' safety.

A 2020 Women's Safety NSW report found that 96 per cent of frontline workers identified lack of pet-friendly rental accommodation as a major barrier to long-term housing. Lucy's Project, therefore, strongly supports tenancy frameworks that reduce barriers to housing for people with animals, particularly for victim-survivors of domestic and family violence. In our submission on this bill, we recommend extending the seven-day grace period to keep pets while tenants await landlord consent, and we recommend that, where consent is refused, tenants be granted a minimum 30 days to find alternate accommodation and tenants be allowed to terminate a tenancy without penalty. We recommend improving transparency in rental advertising where animals genuinely cannot be kept, and we recommend reviewing the current pet application process as a whole, such that the onus of consent for pets is shifted from tenants to landlords. We welcome the opportunity to answer questions and assist the Committee in considering how tenancy laws can better support both people and animals experiencing violence.

**RHIANNON COOK:** I'd like to acknowledge that we're on Gadigal land, and I pay my respects to Elders past, present and emerging. Domestic Violence NSW is the peak body for domestic and family violence services across New South Wales, and we have over 200 member services. We also thank you for the opportunity to provide evidence today and for this inquiry. As a domestic violence peak body, we strongly support reforms that better protect the personal information that renters and prospective renters are required to share, particularly victim-survivors of domestic and family violence. We welcome the changes in this bill that would reduce the pressure to hand over excess personal information and give victim-survivors stronger tools to access, control, correct and delete information that could put them at risk, so thank you for the work on this bill to date.

However, we do want to raise some issues that we think could have unintended impacts on renters with pets, including victim-survivors. We know that women and children who are escaping domestic and family violence often need safe housing fast, and the private rental market is hard to navigate. They often need to make decisions under lots of time pressure. When you add affordability, housing shortages and highly competitive applications into the mix, these things can make it harder for women and children to leave a violent relationship. Our recommendations are really aimed at trying to make it a little bit easier for women in this situation. I'll hand over to my colleague Livia to talk about those recommendations.

**LIVIA STANTON:** Thanks, Rhiannon. Our recommendations really are responding to the major barrier where many victim-survivors delay leaving because of fear that their animals will be harmed. Too often, this leads to unsafe housing choices or the distressing decision that victim-survivors must sometimes make to surrender a pet. We recommend five practical changes to make the pet process fairer and safer for tenants. First, if a landlord wants to refuse a pet, the landlord, not the tenant, should have to apply to NCAT. Second, extend the current seven day period to 14 days so tenants can move in with their pet and seek consent at the start of the tenancy.

Third, if a pet is refused, tenants should be able to end the lease without penalty and have 30 days to find alternative housing. Fourth, landlords should disclose any known, reasonable grounds affecting pets at the advertising stage. Finally, if a landlord fails to disclose those grounds and later relies on them to refuse a pet, the landlord should cover the tenant's reasonable moving costs. Together, these changes would give victim-survivors clearer, faster and fairer pathways to secure safe housing with their pets, reducing arbitrary refusals, preventing avoidable moves and costs, and removing a key barrier that keeps people trapped in violence. Thank you.

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**The CHAIR:** I think I'll direct this to both organisations, so please jump in whenever you feel comfortable. In the last session we heard from the Property Owners Association of NSW and we also heard from the Real Estate Institute of New South Wales, and their argument was that everybody, even if they are attempting to leave a violent situation, should just declare up-front if they've got an animal, and then no worries. Can you explain what the problem is with that, particularly for people trying to leave violence, and why that isn't such a good solution?

**LIVIA STANTON:** I can start, if I may. I'd say first of all the problem is we know that that currently isn't working for victim-survivors. Victim-survivors know from their current situation and their own life experiences that they are being discriminated against in the rental market because they have pets. It's often not safe for them to disclose that they have a pet, because they know that they'll be rejected. We hear time and time again from our members that this is a significant barrier for victim-survivors to actually leave violence, particularly in the regions where we know that pet ownership is much higher. We know that the types of pets that people own are bigger—we're not just talking about a rabbit or something like that. If the onus is for the victim-survivor to just declare that, what protection is there for them in doing so? Currently, the way it works is that the landlord can simply decline that on "reasonable grounds", and so we want to ensure that there are protections up-front for victim-survivors so that they can actually have a fair experience accessing rental properties.

**RISHIKA PAI:** I'll just add to that. I agree: I think there is a bias against renters who have animals. I don't have data around that, but I think there seems to be a bit of cognitive dissonance between—people might be animal lovers. I'm a landlord and I'm also now a pet owner, and when I first started renting out my property, you see one application with pets and you see one application without pets, and even I at that time—it gives you pause to think about who you go with, and there's no oversight of that, no oversight of how landlords make decisions. It's not regulated in any way and, no, I don't see how it can be regulated.

I think that despite being an animal lover or a pet lover, people might have their own pets, but there's nothing stopping those landlords from, intentionally or otherwise, discriminating against someone who has pets. They have no idea who the applicant is. It might be someone fleeing a domestic violence situation. That's private information; you would never know that. It's just really difficult to confidently say that disclosing a pet on an application wouldn't result in some form of discrimination, or that applicant not being chosen when compared against other tenants.

**The CHAIR:** Under the bill, a tenant will have a seven-day grace period to apply to keep an animal. If that application is refused, they have to immediately remove the animal or they're in breach of their lease, even if they're planning to go to NCAT to challenge that decision. How practical is that for somebody who has just left a violent situation and now is in a rental property with their animals?

**RISHIKA PAI:** That puts a victim-survivor, in particular, in a very difficult situation. They might have fled a relationship with a lot of difficulty. We know that it takes a victim-survivor many times to successfully leave a violent relationship. I think the stat was 68 per cent of victim-survivors delay leaving out of fear for their animal's safety. If someone's taken that step and then is told, "Well, you can't have that pet at this property," there are a few risks there. One is they're forced to surrender their pet. We know that pounds are full, rescues are full. What alternatives does that leave a victim-survivor? It might be euthanasia, it might be returning the animal to the perpetrator—they might feel that that's their only option—or it might even involve the victim-survivor returning to the perpetrator. So there are many risks in that, and we need to have a framework where a victim-survivor has these options. It's a part of safety planning to look at where a woman might go. Refuges are full or they may not be pet-friendly. It's really important that we do all we can to make sure the tenancy framework provides women with safe and appropriate housing alternatives.

**LIVIA STANTON:** I would just add to that and say we know from what our members tell us that a lot of women would rather stay in violence or face homelessness than have to give up their pet, because their pet has been the one stable thing throughout the violence, the one thing that they've been able to rely on that has given them comfort, that's given them hope, that's given them companionship. An expectation that they should give up this pet is unreasonable. It's not really humane either, to ask a woman going through that to give up a pet. As Rishika has said, women are under immense pressure when they make these decisions. They don't make these decisions to leave quickly; it happens over a long—very long—period, and there are several attempts to leave and there has been a lot of careful planning usually to do this.

For a woman to then find herself in a new rental where, "Wow, she's arrived with her pet, she's safe finally, she's away from the perpetrator," then to find out that she cannot stay with her pet there is just absolutely devastating for that victim-survivor. The impact that that can have and that decision that that woman now has to make is impossible. That's why we are recommending for up-front disclosures for real estate agents on whether or not this place is pet-friendly: Are there certain elements of the property that mean you can't have a dog or you

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can't have this kind of animal? But it really should be disclosed up-front so that victim-survivors aren't going in blind, because it's not fair on them and it's not safe.

**The CHAIR:** Another suggestion that's come up this morning is if the tenant wanted to break the lease if the animal was refused that there'd be no financial penalties around that. Is that another thing that you would support if someone was in this situation? Another major issue for somebody that has left violence and has found this rental accommodation, and they do need to find another accommodation for whatever difficult reason, is that they don't have some major cost for actually having to break the lease.

**LIVIA STANTON:** Absolutely. If the expectation is now that the tenant has to leave and yet there was no transparency around the fact that this property wasn't going to be suitable for a pet, then the landlord should have to pay reasonable moving costs, absolutely. Otherwise, the fairness and the tipping point is all in favour of the landlord. For renters, that's just not fair. We know we're now living in a State where more and more people are having to rent because housing affordability is so out of control. These laws are going to become more and more important into our future as we see more and more people having to rent as opposed to live in their own home.

**The CHAIR:** I think in Fair Trading's submission they suggest that tenants should be the ones proactively considering factors that could affect an animal application, such as council by-laws or whether the landlord actually lives at the premises, and that it's on the onus of the tenant to find that out. But I note in the submission, particularly by Domestic Violence NSW, that you point out that victim-survivors have to make decisions affecting their safety often under immense time pressure. Is it really appropriate for anyone to expect the tenant themselves to actually have to do that investigation before even making a rental application?

**LIVIA STANTON:** Absolutely not. That doesn't make any sense to me as to why that burden would sit with the tenant. I think the landlord should have to disclose up-front.

**RISHIKA PAI:** I'll just add to that that I agree. Definitely, that burden shouldn't be placed on the tenant. In particular, victim-survivors might be navigating multiple issues—financial instability, homelessness, navigating AVO proceedings, family law proceedings, fleeing a relationship, or relationship breakdown. The last thing that they would have on their radar is looking at those types of issues. It's the same with navigating NCAT, which I'm sure we'll get to.

**RHIANNON COOK:** Just to add to that, it is very likely that women in this situation are applying for more than one rental property. That would mean that we would be asking them to look at by-laws across multiple properties, whereas a landlord would know what their assets are and that information wouldn't change from one rental period to the next.

**The CHAIR:** More broadly, we've got these two pieces of legislation that have come to us. The first one, unfortunately, put the onus on the tenants rather than the landlords. Now we've got this second bill in front of us, which is proposed to, first of all, ensure that people who are applying don't have to declare that they've got a pet, which I assume you support—and I'd like to hear the reasons for supporting that. But also there are these complicating factors with this new change in that, even if someone is applying to NCAT, the animal has to be removed immediately. Can I just get your thoughts around the change that they don't have to declare, potentially, that there's a pet in the application, but then also some amendments that you would like to see in regards to this bill, and some of the most important amendments, to ensure that people who are seeking rentals who are leaving violence are not unfairly discriminated against?

**LIVIA STANTON:** I would say to the first question around whether or not victim-survivors—

**The CHAIR:** Or anyone.

**LIVIA STANTON:** Yes, or anyone, sorry. I think they shouldn't have to. I think that, really, the whole point of this legislation is to protect renters so that they're not having to disclose something and have unfair decisions made about that. I think we've talked about a lot of those reasons why, but particularly for victim-survivors with the things that they're already navigating—and Rishika touched on all of that—what that really looks like in reality for a victim-survivor is extremely complex. They may be working with a support service or they may not.

They might be navigating all of this on their own, including apprehended violence matters or family law matters. There could be children involved, where they're shifting schools. They might be having to relocate and hide from a perpetrator for their safety. When we're talking about relocation, we are talking about life and death sometimes. I think it's really important that we state that clearly. Having a pet just shouldn't come into it. It shouldn't be a reason that the landlord can say no, unless it's very clearly articulated at the time of advertisement that the property isn't appropriate for pets, and the reasons why.

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**ANNA LUDVIK:** I thank my colleague Rishika for her honesty in sharing her own personal anecdote and experience of being a landlord. Can I just say, Lucy's Project had sustained almost 10 years of research in this field as well, and heard repeatedly from landlords and from real estate agencies and peak bodies that it is often the landlord that has the prejudice against animals because of a public perception that animals are going to cause damage to rental properties, but that's actually not sustained in data and it's not sustained in experience. What tends to happen is when there is an example of an animal causing damage in a property, it tends to attract more attention than the cases where it has been successful. There is a negative perception that is not actually sustained by experience or from any documented evidence.

My colleague was completely right to point out that that puts the landlord in a position where they feel like they have to make a choice between the best interests of their property and the property potentially being put up for damage, where there is more evidence that a person who has a pet is very grateful for the experience of having the safety of having their animal with them, and is more likely to take extra care of their property and to be very respectful of that property for fear that that will have a negative image or impact on the property or the image of their pet that's in their care. I think it's incredibly important that we reduce that stigma. It's something we've tried to do through advocacy. I think that it's something that could be really backed up by having some legislative protection so that we can be rid once and for all of that image of the animal being something that's going to cause damage to a property.

We wouldn't put that burden on children and we shouldn't put that burden on animals either. People deserve safe housing. This is a fundamental requirement of human nature. I can also say that we need to be very cognisant of the amount of pressure that is on these people at that time and any punitive time impacts, thinking that these people might have, for the first time in many, many years, initially found safety. To ask them to turn around and have short turnaround periods for finding and securing that accommodation for the longer term is unreasonable, unjust and, as others on the board have said, is manifestly unfair.

**The CHAIR:** One of the main recommendations that you'd like to see is the change in the amount of time that people would have to move, as well as advertising beforehand so that people are aware if there is a specific reason why that property is actually unsuitable.

**ANNA LUDVIK:** Absolutely. That is logical. As my colleague Rhiannon said earlier, that would be something that is known to the landlord in advance and unlikely to change. If it does change, there's no reason that they couldn't give notice of that for whatever reason. It's an unfair onus to put on a person who is already heavily burdened by the responsibilities that they've had to secure safety for themselves, and often for their children and for their animals, during a period of incredible emotional and administrative burden.

**The CHAIR:** Are there any other amendments that anyone wants to discuss that we haven't gone through?

**RISHIKA PAI:** Just the overall broader recommendation to look into shifting the onus from tenant to landlord to apply to NCAT. I don't know if we want to expand on that, but that's something that Lucy's Project advocates for, for various reasons. I'm happy to go into them, if needed.

**LIVIA STANTON:** We would support that too. It's our first recommendation. I think it forms the basis of all of this work that the onus must be on the landlord and not the tenant to make the system fairer for everybody.

**Ms ABIGAIL BOYD:** The Chair has stolen most of my questions. Well, not stolen—she very fairly came up with them herself. Just on that last one, it's interesting, one of the earlier witnesses, Mr Partridge from the Real Estate Institute of NSW said, "There's no risk to a tenant to go through with the NCAT process." When we're talking about prospective tenants who are fleeing domestic and family violence, it brings these issues sharply into relief. You would imagine that for a lot of tenants, in a lot of circumstances, NCAT would be quite a worrying process to go through or even an inaccessible one. Can you explain why, in the context of a domestic and family violence situation, putting the onus on the tenant to go to NCAT is even crueler? Could you explain what that means for a person who's trying to get to safety?

**RISHIKA PAI:** I think the average tenant, regardless of whether they're fleeing violence, would be intimidated by NCAT. I've done it myself over just a bond and it was stressful, extremely time consuming. My day-to-day job is a solicitor and I'm familiar with courts and tribunals, so I can only imagine—like I touched on before, victim-survivors are navigating potentially multiple jurisdictions. They have no choice but to—you know, AVO proceedings, often family law proceedings over kids and property. To then throw NCAT into the mix, I wouldn't see them having the capacity a lot of the time to wish to do that, and that can result in, as we spoke about before, poor outcomes for animal welfare and the tenant themselves and their children.

**LIVIA STANTON:** I would just add to that, we've just heard it from a lawyer herself, her process going to NCAT. I would say that for a victim-survivor to go to NCAT, probably a lot would just rather not and wouldn't actually go through that process, would rather leave the property, because it's too traumatising. NCAT officials

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are not trained in domestic and family violence, so that's another key recommendation we've made through other consultations as part of the DV provisions within the residential tenancies amendment. It's not an appropriate pathway for victim-survivors to have to take, with everything else that they've got going on. Yes, we absolutely think that that onus must be on the landlord.

**Ms ABIGAIL BOYD:** I can't remember the exact percentage that those representing landlord interests were throwing about before, but you often hear this idea that, I think three in four, or even more, landlords have only one or two investment properties, and trying to make out it's some sort of cottage industry, this mum-and-dad thing, when the reality is that we're looking at 51 per cent of all rental properties being owned by landlords that have far more properties than that—three or more. If you're a person fleeing domestic and family violence where, as we know, often there's been this pattern of coercive control and that moment of leaving and trying to get some autonomy, the idea that you would then have to take your landlord, who is likely to be one of those multi-investor landlords and has a lot more money than you and a legal team and all sorts of things, to NCAT sounds a bit extreme, in that scenario. Do you have any experience of or any case studies of helping individuals in those sorts of circumstances or any other insights into that process?

**RISHIKA PAI:** I'll clarify for the record, when I went to NCAT it was as a tenant and the landlord sent their real estate agent. It was \$600. So, no, I don't have any other experience apart from that anecdotal experience in relation to navigating NCAT. I don't know if you guys do?

**LIVIA STANTON:** We don't have any particular case studies. Abigail, when you talk about the plight of the investment property owner, I've got to say, housing is a basic human right for everyone, whether you're fleeing violence or whoever you are. Everybody deserves access to a safe home over their heads. I think most landlords would feel that way—that everybody deserves a safe place to live. We know that for victim-survivors, the main barrier to accessing safety is somewhere to live. If you add pets into the mix and you add these complex laws and NCAT on top of that, it's extremely complicated, and it really shouldn't be. It should be simple, because we're talking about a basic human right here.

**Ms ABIGAIL BOYD:** Very nicely said, absolutely. You've said it all. I think if you were to say, when we were speaking with the landlord—I should say who they were, but you know who I'm talking about, who were here before. They seemed to present this idea of there needing to be choice for landlords. My instinct was to think, "Well, you could just not have an investment property if you're finding it that stressful to get a tenant," whereas a prospective tenant looking for a house doesn't have those choices, so maybe it's more of that balancing of interests. You've said it very well: It's a fundamental human right to have some shelter over your head.

**The Hon. AILEEN MacDONALD:** In your experience, when the victim-survivor has to relocate or move, how often would they have to do that because they've been refused tenancy because they've had a pet? It's not just a one-off experience? Would it be—

**LIVIA STANTON:** That's a good question. I don't have data on this. I'm not sure if there is data available. Would you know?

**RISHIKA PAI:** No, like I said at the start of the hearing, it's hard to know what drives a landlord's decision to refuse anyone, I think. So, unfortunately, I don't have data on that either. I don't know if it exists.

**The Hon. AILEEN MacDONALD:** Because then you would think that, if they had to repeatedly relocate because they weren't allowed to have their pets there, that would probably put them at an increased risk of returning to a violent situation or not even leaving, knowing that they're going to have their pet refused.

**RISHIKA PAI:** Yes, absolutely. I think there is that link there. Something we haven't touched on is the link between violence against animals and violence against humans. There are studies on that. People who abuse animals are more likely to abuse people. Also, threats of harm to animals is recognised as a risk factor for severe domestic violence and homicide. I think that's really what drives us in doing our advocacy and things like that. Touching on what we were speaking about before with the property associations—sorry, I forget the name—and the landlord associations. We're in a domestic violence crisis and also a rental crisis, and I think we do need to prioritise the safety of victim-survivors, who include women, children, animals. And 70 per cent of Australians have pets. We live in a community who love their pets and their companion animals, so I think that needs to be at the forefront of decisions around tenancy framework.

**The CHAIR:** Ms Ludwig, did you have a further answer?

**ANNA LUDVIK:** Yes. I want to talk about the statistics around people refused tenancies because of their animals. I think that would be an incredibly difficult statistic to ever be able to measure. I live in the Northern Rivers of New South Wales, an area where whenever there's any availability, particularly one that is pet friendly, there might be hundreds of applications, so knowing exactly why a person has been refused that

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application might not be immediately obvious to that person. But my friends in my community with animals, when they do apply for a tenancy, know that they've got next to no chance. They're absolutely desperate for accommodation and are forced into completely inhumane situations. Often, unfortunately, that has led some people to lie about having animals—both on their application and when moving into a tenancy with an animal—and then hiding that animal during inspections which, unfortunately, has led to evictions.

That person, who has brought in the animal, in contradiction of the terms of their tenancy, is seen as the person in the wrong. It's unlikely that we're then going to be measuring those statistics of a person who's broken the terms of their rental agreement, so those statistics can be really hard to come across. But what we want to do is reduce, as far as possible, those unrealistic situations for people, particularly those with children, where that animal might be a companion or a support for the child, as well, during domestic violence. We want to reduce the barriers that family is going to have to safety for the reasons that my colleagues have so articulately explained.

**The Hon. AILEEN MacDONALD:** When someone dealing with frontline services says, "I want to leave a violent home," I would imagine in the discussion that they'd take into consideration companion animals as part of the safety plan. In doing so, does the current rental restrictions make that planning more difficult?

**ANNA LUDVIK:** Absolutely. Lucy's Project is dedicated to removing those roadblocks to safety and to making those pathways to safety easier and better known for people to reach safety, to reduce the amount of times that a person is feeling compelled to return to an unsafe home. Our key focus is to increase efficiency and to reduce the impact on women and their children that are fleeing domestic and family violence.

**LIVIA STANTON:** I used to work in frontline services as well, supporting victim-survivors of DFV. It was always a key component of safety planning. It's still what we hear from our members today that women with pets are severely disadvantaged in terms of what's available to them and where they can go. There have been some positive steps in that direction. For example, there are new Core and Cluster refuges that are built largely in regional New South Wales, many of which you can take a pet. But we're still quite behind when it comes to the rental legislation, and so these reforms are really important and really key to the safety of victim-survivors.

**The Hon. AILEEN MacDONALD:** You've already mentioned the trauma or extra stress placed on people if they're then having to deal with navigating that NCAT process if the pet is refused. What are the other barriers, besides legal knowledge or time and their emotional capacity, in dealing with that NCAT process?

**RISHIKA PAI:** I think trauma would be a big part of it. Putting someone back into contact with court processes when they might already be traumatised from doing that in a space with a perpetrator—like the local courts and the family courts. Putting them back in a court environment could be really traumatising. Like I said before, there'd be a lot of difficulty in them even wanting to do that and taking that step.

**LIVIA STANTON:** The science tells us that brains under trauma are less able to process information—particularly new information—and engage in a process like that. It's not just that there's too much going on and it's too much of a burden to handle the additional administrative load. It's the brain's capacity when one is experiencing significant trauma. When we're talking about domestic and family violence, for some of those women that includes brain injury. For many of those women, it's undiagnosed brain injury, where we know that cognitive processing is not just delayed but not always possible and not functioning in the same way that it was previously. These are real concerns for victim-survivors.

**The Hon. AILEEN MacDONALD:** Do you think in developing this bill, that department has talked to, say, the department of women or prevention of domestic violence to try to align some of the key components, or has it been done in isolation?

**RHIANNON COOK:** I don't know that we're able to comment on government processes, but we do hope that the different departments are talking to each other.

**The CHAIR:** Did you have something to add, Ms Ludvik?

**ANNA LUDVIK:** I think Rhiannon said a lot of the points that I was hoping to also say. I was just wanting to reiterate the incredible burden that is on women at that time in the early days of dealing with domestic and family violence. As a single mother, I can say this, but also thinking of the fact that most of these people in this situation will be single mothers: Trying to find child care to attend an NCAT hearing or to have the mental space without the child to be able to attend those hearings is an unrealistic burden to place, as an additional burden, on those people at that time.

Also, one of the things I'm reflecting on in that, when I have had conversations with people during the process of experiencing violence and safety planning, the mental burden on them is intense. One of the most supportive things that we can do is help make that process easier by doing some of that thinking work for them in advance. It is just such a burden. As Rhiannon so eloquently put, we need to also think about the mental, the

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physical and the acquired brain injury traumas that person might be experiencing. Violence has impacts. Most of what I wanted to say has been said very eloquently.

**LIVIA STANTON:** I just wanted to add as well that the sector and the peak bodies have been consulted quite a lot on the DV provisions within the residential tenancies amendment. It hasn't come out of the blue. There has been extensive consultation over the last few years. That has taken into account all parties. That's why we're here today, ultimately.

**The Hon. AILEEN MacDONALD:** You just mentioned before children. How important is it for children to be able to keep the family pet, knowing that they're leaving a violent situation? They're usually silent witnesses. There's that component as well.

**LIVIA STANTON:** We would actually say that children are victim-survivors in their own right, not just silent witnesses, although they do witness a lot and, sadly, they're often not placed at the centre of their own story and they don't get the same wraparound support that the adult victim-survivor receives. We know that pets are a really important element of any family for children as well. That relationship with the pet might be a really special one. If we take a step back as well and look at children's experiences in that context of domestic and family violence, we know the long-term outcomes for children that experience domestic and family violence. There are really significant impacts, including impacts on mental health, ongoing trauma, impacts on being able to form a secure attachment later in life and good social and emotional development. There are all sorts of long-lasting consequences. If the mother or the parent is delayed from accessing safety, the child is in that violent home for longer. If this is all coming down to something as simple as allowing a pet to be in the property, that's what we need to do.

**RISHIKA PAI:** I might just add to that that, like Livia said, companion animals play an important emotional role for victim-survivors and their children, who are victim-survivors in their own right. That bond can be exploited by perpetrators. If someone's looking to leave that relationship and they can't take their pet—and they often can't because of rental properties or various other issues—at the time that they leave, which is such a crucial moment in time, it is really difficult to get the pet back, even if it's in the victim-survivor's name, just looking at the other legal frameworks around family law and domestic violence law in New South Wales. It's really difficult, so we're just emphasising how important that point in time when a survivor is leaving to take their child and take their pet with them is. It's really crucial.

**The CHAIR:** Ms Ludvik, was there something you wanted to quickly add?

**ANNA LUDVIK:** Just that children can obtain joy from the animal, in a crisis, and they might actually be the only support that a child has when a parent is giving their all to keeping the family safe.

**The CHAIR:** Thank you all for your time today and for coming to give evidence. We really appreciate it. Owing to the extremely tight time frame we've got on this inquiry and the report deliberative, there is actually a very limited window for any answers to questions on notice. I can advise that the Committee has resolved that any transcript corrections, answers to questions on notice, clarifications to the evidence that witnesses may want to make or additional information that witnesses may want to provide us need to be provided within 24 hours of the receipt of the transcript by the witnesses. The secretariat will be in contact in regard to that and will provide a transcript as soon as possible.

**(The witnesses withdrew.)**

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**Ms TRINA JONES**, NSW Rental Commissioner, NSW Fair Trading, affirmed and examined

**The CHAIR:** I now welcome our next witness. Do you have a short opening statement you would like to make?

**TRINA JONES:** Yes, please. I thank the Chair and the Committee for the opportunity to appear today. I would also like to acknowledge the land on which we meet and pay my respects to the Gadigal people of the Eora nation and Elders past, present and emerging. The private rental market plays a significantly different role in the housing system than it has done historically. More people are renting, and they're renting for longer. Many will rent for their entire lives. More than half of renter households are families with dependent children, and the number of older renters continues to grow. These shifts mean the rental sector is increasingly relied upon to support long-term, stable housing rather than short-term or transitional accommodation. I think that's well understood by the Committee.

Within this context, companion animals are a normal part of household life for many renters. However, access to rental housing for people with pets has historically been really difficult and constrained. Market data illustrates this very clearly. In financial year 2022 only 10 per cent of rental listings allowed pets, meaning that close to nine in 10 listings, effectively, signalled that pets were not welcome. While this increased to 13.9 per cent in 2023 and 14.6 per cent in 2024, the majority of rental properties continued to operate on the basis of exclusion rather than the merits of the individual suitability of a pet for that rental home. New South Wales rent reforms were introduced to address this entrenched practice by prohibiting the advertising of blanket no-pet conditions and requiring pet requests to be considered on their individual merits and, as I said, suitability.

Under the current framework, a pet may only be refused on very specific prescribed grounds. Where a request is refused, renters have access to not only the ability to contest that in NCAT but also to come to Fair Trading. We've just stood up a mediation function in Fair Trading, and we're absolutely ready and willing to support renters and landlords to sort out any concerns they might have about issues like pets. As I said, they can also go to NCAT where a matter is refused and seek a decision there. Early enforcement activity has also been undertaken. When the taskforce was stood up, one of the biggest focuses in the initial reforms was to look at no-pet adverts. What we did was look at over 20,000 listings and did an audit on that, and were able to issue 123 warnings and over \$3,000 in penalty units following that audit. Subsequent audits have shown, as we've seen, 99 per cent compliance with that provision.

Despite the reforms and the proactive and effective compliance efforts, the process for moving with a pet remains uncertain at the point of application. In a market with high competition for rental properties, renters frequently hesitate or don't raise pet-related requests out of concern that it may affect their ability to secure a home. As a result, pet ownership may be disclosed later, once the tenancy is secured, or not disclosed at all. This behaviour reduces transparency and actually increases the risk of disputes and misunderstandings. That can put renters at risk of being in breach of their agreement should they not disclose a pet, creating further stress for their tenancy.

From a regulatory perspective, this demonstrates a very clear gap between the former legal framework and how the system is operating in practice. The effectiveness of the current setting relies on this disclosure, the processes to be clear, and also confidence for both renters and landlords around the tenancy relationship. The proposed provision under the amendment for the protection of personal information bill seeks to introduce a grace period to address the situation at the beginning, or the application part of the tenancy, because this means that we can prevent tenants from being discriminated against, potentially, through this process.

The grace period is to ensure renters are not in a situation where they have to either breach their lease right away after moving in, or potentially reduce their ability to secure a rental home. Introducing the grace period can reduce some of the stress and promote a smoother transition for renters when moving rental homes. The consideration of a short, defined grace period for pets is directed at this operational issue. It's a very serious operational issue. It's procedural in nature, and it doesn't alter the substantive grounds on which a pet request may be approved or refused. In this, we're seeking to strike the right balance for renters and landlords based on the extensive consultation we've done on this work to date.

We know education is a key part of this, and this is something that we've been very focused on at Fair Trading. Early engagement, dispute resolution and education have been the three main pillars. I've already talked a little bit about the State quota engagement, but we've spent a lot of time with pet advocates, tenant advocates and landlord representative groups across various reforms, and talking about issues not only subject to this bill but more broadly, to really understand what the opportunities are but also what the challenges are.

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What I can say is we've also invested in grants to support people like the Tenants' Union of NSW, the Community Housing Industry Association and the RSPCA to also get the message out on how to apply for a pet, and also peoples' rights and responsibilities. We've seen strong engagement on these issues, with approximately 56,000 website visits and a high number of downloads of the pet application form—about 31,000 downloads. We're seeing about 6,500 to 7,000 visits a month to our rental pet website, so we can see there's a strong public interest here. I hope I can answer any questions the Committee have today. Thank you for your time.

**The CHAIR:** Thank you for that detailed opening statement. That was helpful. I think there's some pretty strong agreement that renters shouldn't have to declare that they've got an animal, particularly from groups that represent, for example, people leaving violence, and then there's some agreement around this idea of a grace period, and there's some disagreement about how long that should be. But then I suppose the biggest issue that seems to keep coming up is if the landlord says no, on a really practical level, what does that mean for the tenant who, right at that moment, has an animal potentially in their care? I guess I want to get a bit of an understanding from you in regards to what does happen—if they wanted to apply to NCAT, if they felt that it was unreasonable, what do they do with the animal during that time—and whether you've had any discussions with the Minister around some of the amendments that are being proposed today?

**TRINA JONES:** In a scenario where a tenant has moved into a property and they've been refused a pet, I can take a recent example. There was a dachshund, colloquially known as sausage dog, refused in a townhouse in the inner west. There are a couple of options available to the tenant. The first instance in this case, the tenant contacted also Fair Trading, and we were able to say to them, "What might be the reasons that the landlord has said no?" They suggested to us, "They just said no. They didn't give me any information." We offered to call the landlord.

What the team do in Fair Trading is they'll give the landlord a call and they'll say, "Hi, this tenant is seeking to have this sausage dog in this townhouse. They're going to walk them. The park's adjacent. They've got a plan in place to look after them. Do you know that if you go to NCAT and they make a determination that's binding. We're here and we can resolve this matter between you and the tenant now." In that particular circumstance, the landlord agreed to let the tenant keep the pet. Sometimes it's about information. It's about the landlord—maybe they're not aware of their responsibilities or what can happen at NCAT. Also we can intervene and try and find a solution there from the Fair Trading perspective.

I've also seen examples where people haven't come to Fair Trading and they've gone straight to NCAT. NCAT don't routinely collect information on pet applications, but we are obviously very interested in this. What I can say is they've given me information, which they've had to manually count. From 19 May to 31 January, they've seen 61 tenants lodge applications. This is approximate; it has to be manually counted. This was where there was orders sought on keeping animals. Of those, there were no provisions where the landlord was granted approval to refuse the pet. There were 16 examples that allowed the pet and 21 were withdrawn. Now we don't know why they were withdrawn, but perhaps, as it escalated to NCAT, the landlord agreed to the pet; I can't confirm that. So you have the avenue of NCAT and you also have the avenue of Fair Trading. Of course we would say people can also negotiate.

**The CHAIR:** My concern is the more practical level. This person that's moved into a property, I understand they've got the avenue of NCAT, but they've got nowhere to put that animal during that NCAT process. At the moment, the legislation doesn't allow the animal to stay there. We heard that pounds and shelters were overfilling, that animals will most likely be euthanised during that process if they did drop them there. Many people probably don't have a friend or relative to randomly take an animal during that process. Even in the case of contacting Fair Trading—I remember many years ago I contacted Fair Trading for a rental issue, not to do with animals, but that was still a two- or three-week process of negotiation within Fair Trading. But under the legislation, currently, once that animal is given a no, that tenant then becomes in breach pretty quickly after that no, and those processes are going to be much longer than they would be able to have that animal.

**TRINA JONES:** What I can say is there are provisions under the Residential Tenancies Act for the tribunal to make what's called an interim order to allow the pet to stay until the matter is heard in NCAT. It's section 188D of the Residential Tenancies Act for reference. Essentially it's a possibility for a member in the tribunal to basically say, "Maintain the status quo or prevent further harm until a formal decision of NCAT is made." Should the tenant request the matter to be heard at NCAT, they could also request for the matter to have a stay, for an interim order to be put in place for that pet to be retained. There are a couple of considerations. Interim orders are best placed with NCAT because it depends on the circumstances. If it is widely unsuitable and perhaps somebody is at risk—there are many case studies—then it's best for NCAT to make that decision based on the suitability of the pet for the home, which is why we really want to focus on that merit-based application—right pet for the right home in the right circumstances.

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**The CHAIR:** But how long does that process take if the person is immediately in breach?

**TRINA JONES:** If they apply for the pet in the home within seven days, they're not in breach; they've done the right thing.

**The CHAIR:** But after that seven days?

**TRINA JONES:** Their landlord then has 21 days to respond. Say they come back straightaway and they say no, and the tenant disagrees—they don't agree with that—they can immediately apply to NCAT the next day and also ask for the stay the next day. The stay can go in place pretty much immediately depending on the processing time from NCAT. But interim orders are quick; they're quicker than the hearing because they're in place to reduce harm until the matter is heard.

**The CHAIR:** What about some of the concerns we've just heard from the last panel that this is just simply something that—if somebody has just left a violent situation, they've got children, they've got animals, they're literally in survival mode that there's just not a chance that they'll be able to engage in this process, that they'll understand that there are interim orders, that they'll have the time, the ability or the understanding of the legislation to even jump into that. What do we do there?

**TRINA JONES:** I completely understand and empathise with the challenges. We've just been through the domestic violence reforms of the Residential Tenancies Act, and we're spending a lot of time with victim-survivors as part of the development of the regulations. While that's not in that bill, of course, these things come up in this forum as well. What I would say is that that's why we fund organisations like the Tenants' Union. We fund them \$17 million a year, and they're in place to support the most vulnerable to navigate issues where they would need support beyond information that they might get on an advice line from Fair Trading, or information that they might have to seek out themselves. They can provide support for people to attend NCAT. But I appreciate that, in each person's individual circumstances, it is stressful. I'm not saying that it's not stressful. But, without the grace period, if they move in with the pet, they could just be completely in breach and have to leave the tenancy. At least we're creating some space for that discussion to happen and to enable them to have a pathway to potentially keep the animal.

**The CHAIR:** But wouldn't it make more sense, given that there is already a seven-day grace period, to extend that grace period for the NCAT process for people that would have to be forced out of a home, particularly given—and obviously this was another amendment that people wanted—that there is no requirement even for the landlord to let potential tenants know that this property is actually not suitable for animals? They may not necessarily know the landlord lives on the property or some of the other broad reasons that can be given.

**TRINA JONES:** It's a difficult one to get the balance right. If the landlord had provisions to say, "This property is not suitable for pets," my concern is we will return to the 2022 figures where nine in 10 properties say "no pets" and we're in a position again where we don't get the cultural shift that we want to see, which is acceptance that rental homes are homes for life, and people want to live in their homes in a happy and connected way. If a landlord lives in the home, that doesn't automatically mean they won't want a pet. It really is dependent on the type of pet, the circumstances of the home and the preference of the landlord.

**The CHAIR:** Just to clarify, I don't think the assumption is that the advertisement that it's not suitable is automatic, but that where there are situations where a landlord says, "I live in the home. That's one of the reasons. I don't want an animal," and they would say, under one of the by-laws or laws, "It would be unsuitable for me."

**TRINA JONES:** These are absolute possibilities for consideration. I think the concerns I would raise is what we've heard from the feedback is that the unintended consequences of that is that people would just say, "I don't accept the pet," or, "The fencing is improper," and they won't make the investments needed to keep the quality of housing or they won't take into consideration the merits of each application on the suitability of that pet. Essentially, if the landlord says, "I live in the property and I don't want dogs," how much information would there be in the adverts? Would it be size and breed specific? There are a lot of considerations there that could have unintended consequences that would limit pets in rental homes. That's definitely something that was brought up a lot in the consultations as part of the original pet reforms and also in the discussions around privacy. How much information, when and where, and to what end and to what balance—these are the things we were considering when we made recommendations.

**The CHAIR:** The other thing we heard a lot of today was just that, given that it's so heavily weighted towards the landlords and the agents and it's going to remain extremely difficult for tenants, it really pushes tenants to essentially not declare when they've got animals because of this fear of moving in with an animal, doing this seven-day process, being told no and then not knowing what to do. If they don't have the ability to sort the finances or the resources or the energy or the time to go through this NCAT process, and they don't have the finances to break the lease and they don't want to lose their animal, there's no pathway for them. People will be less likely to

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declare that they've got an animal moving into a property is what we're hearing. Is there then consideration of some of these amendments just to even out the playing field so that it does work in some way to protect tenants with animals, looking at some of the amendments that the various organisations have brought forward today?

**TRINA JONES:** Any amendments will be a decision of government. What we heard from renters was that they won't, as you rightly pointed out, say they have a pet when they're moving into the property. The flip side of that is without the grace period, then they're immediately in breach. The grace period is the pathway of balance that we're currently in right now. That proposal is to seek that balance for renters to enable them, once they're subject to the outcome of the bill, if there's a possibility that the regulations will further determine what's in the application form—we heard strongly from many representatives today that they would seek not to have people asked if they have a pet. If that is the outcome then that, plus the grace period, protects people to move into rental homes.

**The CHAIR:** It protects them to move in, but not to stay. I think that is the big problem there. Yes, it does protect them to get into the market, but it doesn't protect them to be able to stay there and to stay there with their animals. If I was moving into a rental property and I had to go in there and have that seven days, it would seem like such a massive risk. You've just signed a 12-month lease. There's a very good chance that the person will say no for reasons that you're unaware of, when you've applied and moved in and signed the contract. The safer option is to hide the animal than to risk declaring it and being told no and having to deal with a court case or any other process that's coming forward with that.

**TRINA JONES:** I see. I guess what I would say to that is that while the evidence is largely—we're still gathering the evidence that we can. It's hard to refuse a pet. There have to be very serious, evidence-based grounds for saying no to the pet. Any unreasonable refusals are unlikely to eventuate in the landlord's favour. The majority of people who would have a cat or a dog or a rabbit or some fish—that's the majority—are most likely going to be able to keep the pet in their home. Yes, there are other cases. Perhaps what you're describing is absolutely a possibility. It is a possibility. This seeks to try to get the best balance for the most people in the best circumstances.

**The CHAIR:** That goes back to some of the reasons why people were talking about advertising where there's a clear reason to reject it, which may not necessarily be obvious to a tenant moving in. You've got an issue where a tenant has applied for a property, they've been approved, they've signed a lease, they've moved in, and then they've been refused on one of the allowable reasons. The landlord says, "Actually, I reside at the property upstairs. That's not another renter; that's me." They've actually got a genuine reason for refusal. What happens to the tenant in that situation?

**TRINA JONES:** They couldn't refuse it in that situation, but I get the intent of what you're saying. If they live in a separate property, it's not—they have to consider the property in its own right. If they live in the house together, though—let's say an example like that. If they live in the same house and they don't want the animal, then, yes, you're right, they could refuse that. I absolutely understand what you're saying. They would be able to declare, "I live in this property and I'm allergic to cats, and I have medical information to suggest that I would never accept a cat, so I'll put that in advertisements for this rental home. I live here and no cats." I understand what you're saying.

**The CHAIR:** My other question is about comments that were made this morning by the Animal Welfare League and the RSPCA. The previous legislation has been in place for 12 months now, and they said that they haven't seen any change in the number of animals that are being surrendered because people cannot enter the rental market or find rentals that allow animals to come in. They said that on that side of things, they've seen no change. What is your response to that?

**TRINA JONES:** I would be interested to obtain some of the insights from them, and I'll take that as an action, following today, to do that. I'm definitely in touch with them. I'm absolutely interested to understand the data around that and what they're hearing from the people who are surrendering the animals. The ultimate intention was to make it easier for renters to keep pets in their rental homes. We've seen an increase in inquiries at Fair Trading, and we've seen an increase in complaints, so people are engaging on the issue. As I said, we've seen strong public interest from visits to the website—7,000 visits a month on this issue. People are engaging. I haven't heard that directly myself, but I will seek that information out.

**The Hon. AILEEN MacDONALD:** Did Fair Trading consider requiring pet consent to be resolved before the tenancy commences?

**TRINA JONES:** When it comes to applications for a rental home, that's what this bill is proposing, to standardise application forms. It's proposed in the bill that the regulations would determine what the questions are to be asked. We have discussed at length with the industry reference group, which was formed of academics, experts and tenancy managers of varying degrees and sizes, as well as privacy experts, property technology

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organisations and renter advocates. That group, we went into lots of customer journeys, renter journeys. There was lots of discussion around that, and there certainly are proposals for what those regulations might look like. It's definitely being discussed that you wouldn't seek a request to ask if a person has an animal, in the same way that it's being discussed that you wouldn't ask the person how many children they have, because there's concerns around discrimination. Those things will be further developed subject to the outcome of the bill.

**The Hon. AILEEN MacDONALD:** How does the bill prevent informal screening of tenants with pets during the application stage if landlords or agents ask about pets outside that form?

**TRINA JONES:** The intention of this reform is to limit the information that's collected to protect people's privacy and also recognising that a renter shouldn't have to divulge certain information that doesn't pertain to the success of the tenancy. The goal is to standardise the application form and only require what's absolutely necessary and prohibit what's not. If a person seeks to circumvent that application form process by going, "Oh, just an extra couple of questions," and that was reported to us as the regulator, then we would be taking significant and swift action around the conduct of that provider.

Right now, I can tell you that some of the application forms that I have seen are unconscionable. People are being asked for six to 12 months of bank statements. They're being asked if they have tattoos, specifically if they have neck tattoos. They're being asked about the care arrangements of their children. They're being asked what kind of role and job they have, particularly if they're in the gig economy. There's a lot of discrimination there. Standardising the application form and limiting what's asked, based on evidence required for a successful tenancy, so the landlord can have assurance, is absolutely the goal of this, and anyone who would step outside of that would face the consequences of the law.

**The Hon. AILEEN MacDONALD:** What enforcement powers and resources will Fair Trading have, or rely on, to ensure compliance, as you've outlined, that they don't have something outside of that application form?

**TRINA JONES:** First of all, can I say, we stood up the NSW Rental Taskforce, and the Government invested \$8.4 million to enable us to have a dedicated compliance and enforcement team. We've since restructured at Fair Trading and put even more resources into the Rental Taskforce, and we've also stood up an investigations team specifically. As it relates to privacy, those people, should the bill pass, would be trained on that, as well as our complaint handlers, so they're ready to respond. Consumer protection generally relies on consumers telling us there's an issue, so that is absolutely a component. We wouldn't be able to be everywhere, but we would rely on reports of that. You can take a witness statement and you can also collect evidence through any exchange of information they would have had to substantiate that. That's one method. Another method as well could be proactive initiatives that we often do, where we pose as renters, we turn up as renters, and engage with the conduct of agents to see how they behave.

**The Hon. AILEEN MacDONALD:** Will you then publish that enforcement data or compliance reports?

**TRINA JONES:** Yes, we generally publish a year-in-review report from Fair Trading at the high level to outline our breaches, penalties and activities undertaken.

**The Hon. AILEEN MacDONALD:** And how will you collect and publish data? Will it be on pet applications, refusals, NCAT disputes and, in collecting that data, will the impact of the reforms be evaluated or can be evaluated?

**TRINA JONES:** I'm certainly very active in monitoring the reforms and look at a number of matters from investments and supply of rental homes right across to complaint matters and compliance outcomes. There are, of course, some various methods, through, as I said, the year-in-review report, but also through presentations that we do to industry in the sector as well, through quarterly forums with key stakeholders, and also large forums that we do with agents. On average, we get about 5,000 agents attending those. We wouldn't have access to the NCAT data, but any data that we are in control of would certainly be considered in that. As it relates to the pet information, we have a voluntary end-of-tenancy survey that we seek from tenants. We're currently revising the questions in that. One of the questions we really want to get information on is pets.

**The Hon. AILEEN MacDONALD:** How do you think the bill balances the objective of protecting renters' personal information but also the legitimate need for landlords to assess tenancy risk? I understand with some of the forms that some of those questions shouldn't be asked, but where's that balance?

**TRINA JONES:** We stood up a specific industry reference group to help us to strike that right balance. It wasn't an hour in consultation. We spent days in half-day workshops and full-day workshops working through what is the problem that we're trying to solve, who is it a problem for and how do we solve it. We went through line by line on how do you collect the right information, what do you need to know, what happens in practice,

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what would be the consequences of having a cover letter or not having a cover letter—right down to that level of detail.

We iteratively went through all of that, with all the voices in the room, so that we didn't just have one view, one view, and one view, and then we take the summary of that. Each party could hear from each other. That enabled us, while we didn't always have consensus on every matter—it's quite difficult to get that, I have to say, in this space—we certainly canvassed the issues. We could see what we were able to make recommendations on, what we felt was a balanced approach based on the evidence, the feedback and also the extensive consultation that was done through the Have Your Say process—there were thousands of surveys and 400 long-form submissions as well.

**The Hon. AILEEN MacDONALD:** As part of that process, did you do any modelling or analysis, and then did you also look at unintended consequences?

**TRINA JONES:** Yes. We always look at unintended consequences and try as much as possible to flush them out, kind of bottom that out, consider them with stakeholders from different perspectives. When it comes to the reforms around protecting privacy, they are strongly welcome generally. I was interested to hear the panel earlier this afternoon. From industry, a lot of agents say to me, "We want this, because it will save us time, and we don't have to race to the bottom on asking vast amounts of information. We can just be contained." Prescribed forms are the top thing I get asked from agents all the time—prescribe it, keep it simple—particularly for licensees in charge who are bringing in entry-level property managers to their teams and wanting them to be consistent with more experienced property managers. Mostly, they were widely welcomed.

In terms of unintended consequences, discussions around things like cover letters—that was really interesting. People felt it shouldn't need a cover letter because it should just be on the application. Others felt cover letters were important because they could help a person tell their story. People were concerned if you tell your story, you breach your privacy. So there was really interesting discussions around that. Further information would be needed in consultation to refine those in the regulations.

**The Hon. AILEEN MacDONALD:** I'll just follow on from one of the Chair's questions about the seven-day grace period. What evidence did Fair Trading rely on when determining that seven days?

**TRINA JONES:** Generally when it comes to time periods, it's mostly a discussion with stakeholders. Because it hasn't happened yet, there's not a lot of evidence that you can draw from. There was a lot of discussion around what's reasonable, what would work in practice. There was a strong view from tenancy managers, landlord representatives and property managers that anything beyond seven days—noting that there was then a further 21 days for landlords to consider the matter; we were now at a month there, by the 28 days—that that was sufficient. When we spoke to tenant advocates and others in the room, their focus was on the grace period at that time. And appreciate there were certainly calls for two weeks, three weeks, a month—there were lots of time frames discussed. There was recommendations made and then the Government's decision around the seven days is where we landed.

**The Hon. AILEEN MacDONALD:** I'll just clarify with regard to the mandatory standard application form, how prescriptive do you think that form will be? Will agents still be able to request additional information outside of that form?

**TRINA JONES:** That will be very prescriptive. It will be prescribed. So you can only ask—and anything outside of what's permitted would be prohibited.

**The Hon. AILEEN MacDONALD:** Otherwise, compliance or enforcement might—

**TRINA JONES:** Exactly, would trigger that. I note there were comments earlier that represented that this reform would ban third-party apps and would require manual processing. Can I just put on the record that's not the case at all. In fact, we had the largest prop tech company in Australia at the table on the industry reference group, drafting this with us from a recommendation perspective. The intention is to absolutely bring prop tech into the Act in a way that it hasn't been in before.

**The Hon. MARK BUTTIGIEG:** Is there anything that you wanted to particularly address arising out of the evidence that you've heard today, or perhaps in any of the submissions?

**TRINA JONES:** I would just say that, as always, we're trying to seek the balance and support people to live well in their homes. This grace period recognises the difficulties that people have when applying for a rental home, and the broader pet reforms recognise the culture shift to accepting pets in a home that is being sought through these rental reforms. I hope that that has been helpful to the Committee.

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**The CHAIR:** A number of stakeholders also called for better data collection and reporting in relation to animals in rentals. I just want to understand what your office is doing at the moment in terms of data collection, reporting and tracking the impact of the reforms.

**TRINA JONES:** We have a number of things underway. I'll start with the survey. The first survey we have is the mandatory end of tenancy survey. That's a requirement for landlords to tell us why a tenancy has ended. We collect that in the Rental Bonds Online system. At the same time, tenants are asked the same questions. We use that for compliance as an indication of intelligence. So for tenants it is voluntary, and landlords it is mandatory. That gives us indications of why did this tenancy end. The landlord might say, "Because I was selling the property," but if the tenant says something different, we put that on a flag. We audit the flags and we check the flags, so that's some intelligence for us.

We also have a voluntary end of tenancy survey—and we're going to work on renaming the surveys so they're nice and clear for people. That's all about, "Tell us about your tenancy and tell us about why your tenancy ended." In that survey we ask things like, "Did your tenancy end because of a domestic violence termination notice?" and we ask more detailed questions along those lines. In addition to those surveys, we have regular engagement with tenants and landlords through various forums as well as property sector representatives and industry representatives. We also do a lot of market monitoring. We look at information like the bonds data, rent prices, rent listings and availability of rentals in different areas, and we infer from that what changes might have occurred and when. For example, I heard earlier today there was an assertion that the reforms had led to a decrease in rental homes. There's no evidence to suggest that whatsoever. We've seen an increase in bonds, an increase in rental supply—stable and increasing. There's been no measurable reduction.

**The CHAIR:** The Tenants' Union proposed that landlords should be required to report on the outcome of pet applications lodged during the tenancy agreement and to be disclosed during that mandatory survey through Rental Bonds Online. Is that something that's being considered or being done?

**TRINA JONES:** Happy to consider.

**The CHAIR:** They also suggested working with NCAT to access that de-identified data in regard to the outcomes of the applications animals going into the tribunal. I know you actually mentioned the data here today, but is that ever going to be sort of public information, or is it public now?

**TRINA JONES:** NCAT are constrained by their current system insofar as they don't have an ability to automatically collect that information. It's a manual count, so I can't commit to that information being available regularly. It would get difficult to collect that at scale over a long period of time in the current system. What I can say is that we meet really regularly with NCAT; I have a regular meeting with them. We talk about things like trends and issues that are emerging, and pets has never been even on the agenda. It's just not a high-frequency matter.

**The CHAIR:** I don't remember if it was the Property Owners Association or the Real Estate Institute, but they were asserting essentially that there's really no problem with people being able to get into the rental property market with animals. They were suggesting that there's no data or hard evidence that people are being rejected because they have a pet. But, of course, others have said that that data isn't and can't really be collected. Does your data—in your opening statement I think you said 10 per cent were originally being advertised. Does that kind of show us that it really has been very difficult for people with animals to enter the rental market?

**TRINA JONES:** I would agree. I would also say that we hear regularly from tenants that it's difficult to find a rental property with a pet in their possession. I also often hear from agents who advise that if a person has a pet, they're not the first person considered. That again is based on the individual. There's 75,000 licensed agents across New South Wales. I'm not saying that's everybody, but we certainly hear anecdotally that that is a practice.

**The CHAIR:** When I asked you before in regard to what people can potentially do once they're refused a pet, and one of the options you mentioned was to contact Fair Trading, how would that work if that person's immediately in breach of their lease?

**TRINA JONES:** We would ideally want them to call us before they're in breach. So they could contact us.

**The CHAIR:** What if they can't? What if the landlord tells them on the last day of that 21 days that the landlord could ask that they're in breach as of the next morning?

**TRINA JONES:** The minute they apply to NCAT then the matter is open for consideration.

**The CHAIR:** But they're still in breach even if they apply to NCAT, under the current legislation.

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**TRINA JONES:** That doesn't really work like that in practice. For example, even if you don't pay your rent and you're brought to NCAT by your landlord, you can stay in your home under an interim order until that matter is resolved at NCAT. It's not like the consequences are that you have to leave or remove the animal. Like I said earlier, say it was the worst-case scenario and it got to day 21 and they got back to them and said no at five o'clock on that day. Nine o'clock the next day they could apply to NCAT, or overnight, and request an interim order as part of their application for NCAT to say, "Can I contest this decision, and can I keep my pet while the decision is made?" So NCAT can respond to that. This hasn't been widely tested. It's brand-new legislation, so I can't say what the outcome will be. I can't give the Committee any confirmation of trends, but I can say that's possible.

**The CHAIR:** Your submission suggested that tenants should be taking proactive steps—checking with council rules, checking if the landlord themselves resides at the premises—before entering into a tenancy agreement. We heard just before you from domestic violence organisations that some of these people might be trying to leave a violent situation, it might be urgent, they might have 10 applications, that that's not possible. Do you think that shows some potential support for different amendments that could look at making it mandatory for landlords to disclose some information in those rental advertisements?

**TRINA JONES:** What I would say about the discussion on by-laws is it's not possible to really refuse a pet in strata. There are a lot of protections in strata around pets, and understanding the by-laws starts to become more important as it relates to the type of pet, similarly with the council rules. For example, if you have chickens, they're mostly permitted in council properties, probably not permitted in strata, but if you have a rooster, that's not permitted in most council areas. I'm being specific about those type of things because as a pet owner, these are the kinds of things you would need to know anyway and you'd want to have regard to.

It's certainly not the intention of Fair Trading to put any unnecessary burden on anyone, particularly vulnerable people, when they're seeking a home. That's definitely not anywhere near the intention or the design, and the unintended consequences have been thought out. It's more from a practical level. What pet do you have? Have you thought about is this property suitable for you and your pet? There is an onus on the pet owner to do that regardless of their circumstances. That would be the first thing. Also, as it relates to the by-laws, it's important for tenants to understand their rights and their responsibilities, and we really strongly encourage tenants to check what are the properties they're moving into and ask as many questions as they can. But I do hear from the feedback today and also from yourself, Chair, the opportunity to be specific is something that we will absolutely take under consideration.

**The Hon. AILEEN MacDONALD:** We heard from the Property Owners Association this morning, and I know renters currently submit applications through third-party platforms. The Property Owners Association said they will now have to do that manually. How will Fair Trading ensure that those third-party platforms comply with the privacy obligations the same as the agents and landlords, and will there be compliance and monitoring of those platforms?

**TRINA JONES:** Yes, this is really to the heart of the design of this bill, to consider the fact that we are living in significant advancements in the property technology space and recognise the role that major platforms provide in processing applications for rental homes. In fact, it is the major platforms that this bill was designed around, and so the protections speak to them more in many respects than others, because we know that people, when they apply through platforms, keep those application forms and apply for multiple homes over a period of time for potentially the duration of being a renter.

We also know that most renters only live in their homes for up to 18 months. We're starting to see that tenure get longer, which is a good sign, and another thing we measure as part of the reforms, but we also know that tenants are the ones that end the tenancy more than landlords, so they might keep their information on file and want to re-use that. We want to make sure that those providers aren't misusing the data they're holding in the interim periods, and so the protections in this bill enable us to have oversight of that and also intervene and have compliance and enforcement.

**The Hon. AILEEN MacDONALD:** Say there's a data breach through that rental application process. Where will the liability sit? Will it be with the landlord, the agent or the platform provider?

**TRINA JONES:** It depends. I don't want to be vague about that, but I'd have to be across the particulars of what scenario we'll be talking about. How big is the organisation? Whether it would be the jurisdiction of the Privacy Commission at the Commonwealth level or whether it be our jurisdiction would depend on the severity of the breach. Also, I would have to say the scale of the organisation, the severity of the breach and the response would be determined at that point, based on the complaint, but we have regular engagement already at the Commonwealth level, with the office of the Privacy Commissioner, to discuss how we might respond to issues like that should they emerge.

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**The CHAIR:** Thank you for your time and giving evidence today. We really appreciate it. I note that owing to the extremely tight time frame in regards to this Committee and our deliberative that there's a very limited window for any answers to questions taken on notice. The Committee has resolved that any corrections that you may have to the transcript, answers to questions on notice, clarifications of evidence or any additional information that you wish to provide to the Committee needs to be done within 24 hours of receipt of the transcript. The secretariat will be in contact and provide that transcript very soon. Thank you again for your time today. We really appreciate it.

**(The witness withdrew.)**

**The Committee adjourned at 16:05.**