

2 December 2022

Katerina Pavlidis
Director
Policy & Strategy, Better Regulation Division
Department of Customer Service

By email: residentialtenancy@customerservice.nsw.gov.au

Dear Ms Pavlidis,

Keeping Pets in Residential Tenancies

1. Women's Legal Service NSW (**WLS NSW**) thanks the Department of Customer Service for the opportunity to comment on the consultation paper regarding keeping pets in residential tenancies.
2. WLS NSW is a specialist accredited women-led community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide specialist legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims support, care and protection, human rights and access to justice.
3. Domestic Violence NSW's July 2020 survey of domestic and family violence and community workers found that 48% of respondents stated that clients have delayed leaving a perpetrator by more than a year due to fear or threat of an animal being harmed.¹ 42% of respondents said that victim-survivors had delayed leaving a perpetrator for more than a year due to barriers accessing support related to their animals.² "Lack of animal-friendly rental accommodation" was the most significant barrier to accessing support identified by respondents for clients with animals experiencing domestic and family violence and abuse with 93% of respondents identifying this barrier.³ "Lack of animal-friendly emergency and crisis accommodation" and "Lack of animal-friendly transitional and long-term accommodation" followed at 92% and 85%, respectively.⁴
4. Living with animals has a significant positive impact on people living with mental health illness, including Post-Traumatic Stress Disorder (**PTSD**).⁵ Research has shown that people who have

¹ Dam, M, and McCaskill, C. (2020), *Animals and people experiencing domestic and family violence: how their safety and wellbeing are interconnected*, Domestic Violence NSW, Sydney, (**DV NSW Report**) p 43, 106

² Ibid, p 42

³ Ibid, p 45

⁴ Ibid

⁵ Brooks, H.L., Rushton, K., Lovell, K. *et al.* (2018) The power of support from companion animals for people living with mental health problems: a systematic review and narrative synthesis of the evidence. *BMC Psychiatry* **18**, 31; Roxanne D. Hawkins, Emma L. Hawkins & Liesbeth Tip (2021) "I Can't Give Up When I Have Them to Care for": People's Experiences of Pets and Their Mental Health, *Anthrozoös*, 34:4, 543-562.



experienced domestic and family violence and abuse who now live with an animal report less psychological distress and higher social support than participants who had experienced violence and abuse and did not have pets, and that victim-survivors have described the relationship they have with their animals as an important remaining positive relationship in their lives after leaving violence.⁶

5. It is crucial to the safety and wellbeing of adult victim-survivors of domestic and family violence and abuse, their children, and their pets, that tenancy laws be changed to make it easier for tenants to keep pets.
6. For these reasons, and the reasons set out in the Tenants' Union of NSW submission, we endorse the following recommendations made by the Tenants' Union of NSW:
 - 6.1 Change NSW residential tenancy laws on keeping pets in rental properties so as to make it easier for renters to keep pets.
 - 6.2 Should a landlord wish to deny permission for a renter to keep a pet, the onus should be on the landlord to obtain a Tribunal order allowing them to refuse consent.
 - 6.3 Consideration be given to adding Guidelines for the keeping of pets in residential premises to the *Companion Animals Act 1998*. These guidelines would apply equally to pet owners regardless of tenure and also guide the Tribunal when determining whether a landlord's consent is being unreasonably withheld.
 - 6.4 Landlords and agents should be restrained from asking about pet ownership when renters are applying for a property by prohibiting them from requesting this information in the *Residential Tenancies Act 2010* and from taking the status of pet ownership into consideration when determining a rental application.
 - 6.5 Amend the *Residential Tenancies Act 2010* to prohibit "no pets" terms in residential tenancy agreements.
 - 6.6 Continue the prohibition on landlords and real estate agents from requesting pet bonds.
 - 6.7 Remove the "no grounds" eviction provisions (sections 84 and 85) of the *Residential Tenancies Act 2010* and replace them with a range of "reasonable" grounds for ending a tenancy, based on community consultation.

If you would like to discuss any aspect of this submission, please contact Kellie McDonald, Senior Solicitor, or Liz Snell, Law Reform and Policy Coordinator on 02 8745 6900.

Yours faithfully,

Women's Legal Service NSW

Philippa Davis
Principal Solicitor

⁶ DVNSW Report (2020), Note 1.