

AVA Submission on the Residential Tenancies Regulation

Submission to the
NSW Department of Fair Trading

Submission from the Australian Veterinary Association Ltd (NSW Division)



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Residential Tenancies Regulation 2019

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Date

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About us

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 9500 members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, such as cattle and sheep, and wildlife. Government veterinarians work with our animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association.

Background and AVA Position

The AVA believes that renting with pets in NSW should be more in line with modern community standards in relation to pets. "Pet friendly" should be the default position in NSW as it is in the ACT and Victoria.

Benefits of pet ownership

Pet ownership provides many benefits to our communities. These benefits include companionship, assistance for people with special needs, education, health and social improvements for individuals. Ownership of pets contribute to a number of health benefits such as fewer doctor visits, reduction in stress, overall improvement in mental health and increased social support for individuals ^{1,2}. The majority of pet owners are responsible. Pet ownership can improve cardiovascular health - with dogs acting as a stimulus for exercise ³. Research shows that pet ownership encourages physical activity and that children aged 5-6 in a family that own a dog are less likely to be overweight or obese compared with those who do not own a dog ⁴. Studies have also shown that exposure to pets in early childhood may reduce the incidence of allergies linked to asthma and help to strengthen the immune system ⁵.

Studies have found a correlation between the presence of companion animals and the alleviation of depression, loneliness and low morale whilst dealing with chronic illnesses and positive impacts of coping with diseases such as heart disease, dementia and cancer ³. All of these health benefits contribute to significant savings in human health expenditure each year.

Barriers to pet ownership in Australia

Over half (53%) of Australians would like a new type of pet but of those only 13% confirmed that they intended to buy a pet in the next 12 months, which indicates there are significant barriers to owning a pet. The shift towards higher- density housing in urban areas of Australia to manage population growth is the biggest current threat to pet ownership in Australia – particularly in the current environment of landlords disallowing tenants to have pets and strict body corporate or strata rules that exclude pets in multi-dwelling developments.

With the increase in high density living it is important that those who want to own pets and reap these benefits are not prohibited to doing so. The AVA is aware that many people are forced to surrender their pets due to harsh rental laws and these laws also make rehoming unwanted pets more difficult due to less available opportunities which subsequently leads to an increase in euthanasia rates in pounds and shelters because they cannot get permission to keep them in rental accommodation, so a change like this which makes "pet-friendly" the default would be a positive move by the government. Currently there are fewer rental options for pet owners, which can severely impact job opportunities and mobility. This restriction also adversely affects veterinarians and their practice staff in NSW.

A change.org petition calling for removal of the blanket 'no pets' clauses in NSW has over 77,000 signatures, demonstrating the breadth of feeling in the state ⁶

The AVA will only comment on the position of pets in rented premises, not the remainder of the Regulation. NSW is being left behind other parts of Australia – both Victoria and the ACT have amended legislation to make pet-keeping the default option. It's time NSW updated their position.

Recommendations

The AVA asks the NSW Government to consider making two key reforms to the proposed Residential Tenancies Regulation.

1. A prohibition on 'no pets' clauses

The Residential Tenancies Act is silent on pet clauses in agreements. Section 19 gives the Regulation the ability to restrict the kinds of additional terms from being placed into an agreement. Blanket 'no pets' clauses should be made a prohibited term.

This would be consistent with the approach taken in other states. It does not mean landlords must accept all pets in all properties – but they should not be permitted to refuse pets as a default position.

2. An amendment to the standard form agreement which lays out a responsible pet ownership model

Currently the standard form agreement starts with a negative default against pets. This is not required by the Act and is not in keeping with community standards. We recommend a phrasing which encourages responsible pet ownership, emphasising consideration of adequate space and exercise options, clean living areas and other animal welfare principles. This phrasing will avoid the majority of property care issues and nuisance to neighbours.

A reform to these provisions will not cause detriment to landlords – in fact evidence suggests it may be to their advantage, creating longer-term tenants who take greater care of the premises⁷. The reforms do not provide for any animal in any property, but instead encourage responsible pet ownership by promoting animal welfare.

Property care is already well regulated and should remain so. No changes are required to bond provisions – the review of the Residential Tenancies Act 2010 examined this issue and found that the current bond system is more than adequate. Greater take-up and modification of insurance policies may be a result of change, but this is in line with business practices of service providers generally and should be seen as a positive outcome.

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