

**Submission to:
Draft Tasmanian Housing Strategy**



June 2023

1. Overview

Tasmanians have one of the highest rates of pet ownership in the world and pets are integral members of many of our families.

And we know that most people care for their pets as they care for other members of their family: they look after their health and hygiene, exercise and entertainment; they clean up after them; and generally care well for them.

For many of us, having a pet keeps us sane in stressful times. Our experience during the pandemic has reinforced the fact that our companion animals are an integral part of family life, and they provide comfort and company when we need it most.

More and more people are becoming concerned about the impact of the rising cost of living on their ability to care for their pets, with the biggest source of worry being able to afford vet care.

Whilst this is increasingly an issue across Australia, the issue is of specific relevance to the Tasmanians for several reasons:

- Our high incidence of pet ownership;
- Tasmania's lack of legislation surrounding pet-owner discrimination amongst rental owners;
- Tasmania's lack of options for pet-compatible refuges surrounding victims fleeing family or domestic violence.

For a lot of people, their pets are their significant other. This means their pet is their only comfort and, in many cases, their only link to the outside world.

We know that pets are one of the best types of therapy for someone going through a hard time, so to separate someone from their pet where they're going through a hard time or trauma it actually makes it worse. However, as the cost of living crisis forces people to make impossible sacrifices, many will have no choice but to give up the very thing that keeps them going. Kids have to come before pets, and other vulnerable people such as the elderly and sick are going to suffer the most during this financial crisis.

Imagine having to give your pet up for adoption because you can no longer afford to keep it. Most of us simply can't contemplate the distress this would cause. We cannot ignore the fact that this will make life so much harder than it already is for some of the most vulnerable people in our community.

Evidence shows that Tasmania's housing market is growing increasingly difficult for tenants - and even for people who own their own homes.

Tasmanian policies and legislations should support all those going through challenging times; yet the present state of Tasmania's housing market harms those that are already struggling.

Most Tasmanians, whether they live in suburbia, rural properties, or in regional towns, say animal welfare is important or extremely important to them, and most Tasmanians expect improved animal welfare outcomes should be a high priority for the state government.

In reviewing the state's draft housing strategy, the RSPCA therefore urges the government to take in to account the important role companion animals play in ensuring positive outcomes for all Tasmanians.

A contemporary housing policy should take into account the needs of all Tasmanians, regardless of family structure, socio-economic status, demographic grouping, and location. In our view, the strategy outlined in the discussion paper is simply promoting more of the same. This approach may alleviate some of the issues outlined elsewhere in this submission, such as the very low levels of affordable housing.

However, it will not adequately address the fundamental legislative issues surrounding discrimination against pet owners particularly in the rental housing market.

Tasmania must follow the legislative path seen in other states given that this will benefit the state through decreasing animal surrenders, increase housing possibilities for pet owners, and increasing competition in the housing market.

The Tasmanian housing strategy must also recognise the need for support for people with companion animals fleeing family or domestic violence; and also those facing homelessness.

Minister Barnett stated recently in relation to the Tasmanian Housing Strategy that it “seeks to increase affordability by creating greater housing diversity and choice in the types of housing that suits different people and their lifestyles” (Homes Tasmania, 2023, p.8).

It is hard to reconcile this statement with the complete lack of tenant rights granted to pet owners in Tasmania in comparison to the other states.

We know that pets provide companionship and a sense of purpose, and that this helps improve mental health and well-being. In troubled times like these, people need the security and comfort they get from their pets.

Now is the time to harness the things we have long known and now proven about the importance of the bonds between people and animals.

The RSPCA therefore believes it is incumbent on the government to ensure that the importance of companion animals is recognised in all state legislation and policies.

On that basis, we urge the government to amend the strategy as outlined in this discussion paper to better reflect the needs of all sections of our community – and to deliver policies and programs that recognise the vital role companion animals play in enriching our lives.

2. Companion Animals in Tasmania

Almost two-thirds of Australian households have a pet, and 90% of us have had a pet at some time. This includes an estimated 5.1 million dogs, 3.8 million cats, 11.3 million fish, 5.6 million birds, 614,000 small mammals, 364,000 reptiles and 1.8 million 'other' pets.

If this data were extrapolated across all Australian households, it would mean there are more pets than people in Australia. (Animal Medicines Australia, 2021).

Tasmania is the state with the highest incidence of pet-ownership, with 44% of its residents living with at least one dog, 34% living with at least one cat, and 16% living with at least one of each. (Roy Morgan Research, 2020).

We've progressed from a sense that pets are just "fun" to recognising that pets support positive changes in mental health, address significant medical conditions and promote social connection. Studies even show that pets have the power to lower the cost of health care and strengthen the social fabric of local communities. (See, for example, the work carried out by the Waltham Petcare Science Institute.)

More health professionals are recommending pets and incorporating them into the long term management of mental health conditions.

Pets improve physical health as well. Research demonstrates that pet owners have lower blood pressure and are more likely to achieve recommended levels of daily exercise. Dog ownership has also been shown to correlate with reduced obesity and longer life expectancy.

Research on child health has indicated that growing up with a pet can positively influence children's development. Kids with pets are more likely to be physically active and social, and learn important life skills through taking care of pets.

Pets also bring us together, reducing loneliness and social isolation. We now know that communities with more pets are more closely-knit and connected. Pets help us interact with each other and serve as the common ground that can often be missing in our society.

The pandemic has brought home how profoundly pet ownership and interaction can positively impact people at all stages of life.

Anecdotal evidence shows that pet owners say their pet helped them cope emotionally with the pandemic.

There is no doubt that there is significant public interest in the welfare of companion animals, as evidenced by the thousands of people who sign petitions, follow animal-oriented social media pages, and the numbers of animal-centered news items in Tasmanian media publications.

Research by Roy Morgan Research last year found that:

- 98% of Australians consider animal welfare to be important
- 94% support laws that ensure animals are provided with a good quality of life
- 97% support laws that ensure animals are protected from cruel treatment
- 80% support government doing more to protect animal welfare
- 74% support the creation of an independent body to oversee animal welfare
- 85% support animal welfare laws reflecting community expectations and best available science.

3. Housing Affordability

As can be seen in Figure 1, over recent years there has been a downwards trend in the number of private rentals advertised in Tasmania. This decrease in available rentals has increased prices as potential tenants are forced to bid to secure a home. However, this is not an option for vulnerable members of the Tasmanian community.

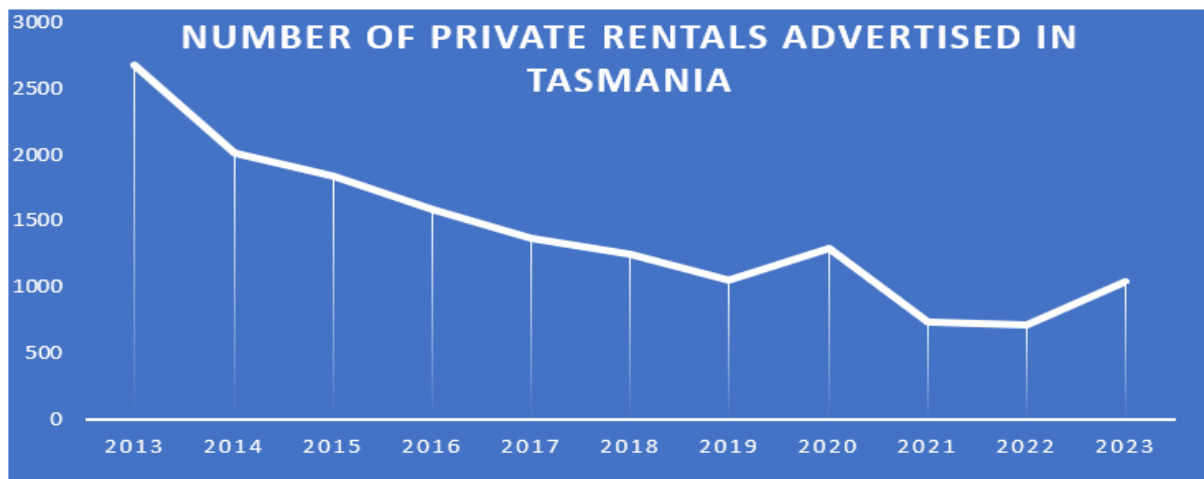


Figure 1: Number of Private Rentals advertised in Tasmania (Bennet and Claxton, 2023)

The situation is even more challenging for people with pets in Tasmania.

Tasmania's rental market has historically had relatively low rental vacancy rates when contrasted to other Australian jurisdictions (Gwynn, 2022). This issue is becoming more prevalent as rental prices rapidly increase.

In current circumstances, pet ownership in the rental market has become near synonymous with housing insecurity. Further, due to the emotional investment potential tenants have with their companion animals, some members of the community are actively accepting rental insecurity and distress by either living in sub-par housing or keeping their animals concealed (Power, 2016).

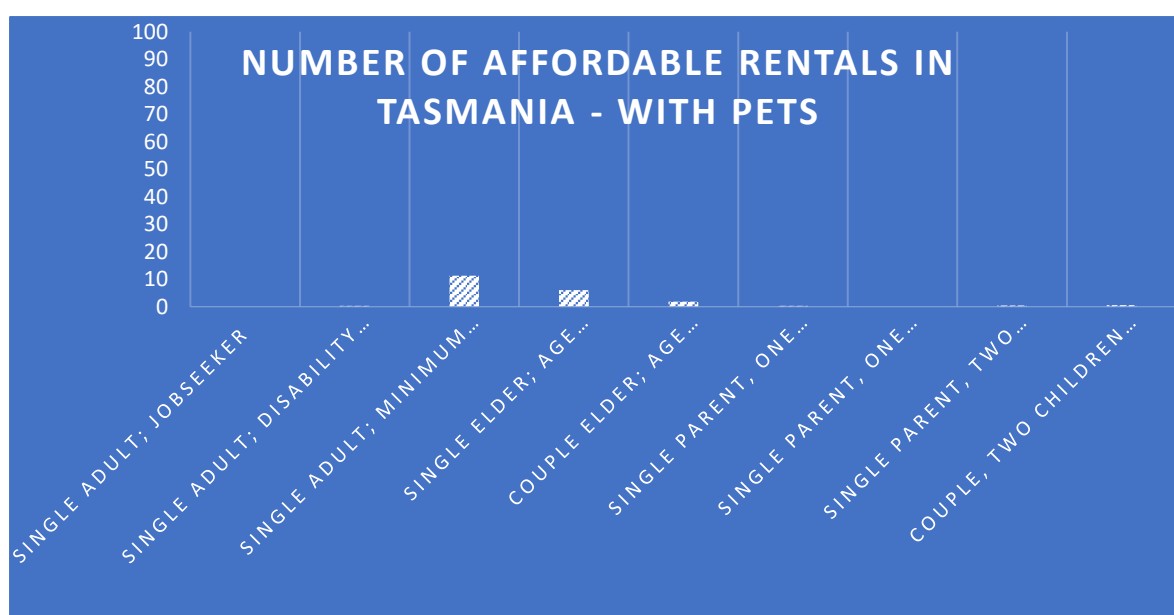


Figure 2: Affordable rentals in Tasmania (Bennet and Claxton, 2023)

The ongoing increases in rental prices give rise to a myriad of issues for Tasmanians with pets.

Our experience indicates that the average family is less able to look after their pet or to adopt a new member of the family. Our data shows that a total of 1285 animals came into our care during the 2021/2022 year. This represented an increase of 7.44% when compared with the previous year.

Even if an applicant is able to find a rental and is willing to live in financial hardship in a property that is not affordable, it is common to find rentals that will only rent to people that are employed and do not have pets. Whilst this may be put in place to ensure that tenants can afford the rental, it acts to “prejudice against people on Centrelink benefits.” (Anglicare TAS, 2022).

4. Pets in rentals

We've all heard about the shortage of rental properties, so finding a home to rent can be hard enough – but, when you have a pet, it can be twice as tricky. The situation has been bad for several years but, with the cost of rent rising and vacancy rates at a record low, more animals are also becoming victims of the state's housing crisis.

Given the prevalence of pet ownership in Australia, many pet parents feel the need to lie about their pets so as to be able to apply for rentals (Australian Dog Lover, 2019). This situation is not ideal for either party.

Record low rental vacancy rates and rapidly increasing rents are pushing many low-income earners with pets out of the market. This means that more and more Australians are faced with a tough choice: keeping a best friend or having somewhere to live.

Yet evidence shows pets can be a lower risk option than children, and that pet owners are statistically more willing to sign a longer lease. Pet friendliness adds value, which means more applicants and who may be willing to pay a higher rent.

Personal responsibility, not pet status, is the key. Just think about the number of million dollar properties that have pets padding the hallways without any disastrous effects. With the right pet and a responsible tenant, this reality can be true for any rental property.

The increasing difficulties related to the cost of living are particularly harmful to pet owners in Tasmania given the exclusion of applicants with pets. Anglicare TAS has found that “many - perhaps most - advertisements state that pets are not permitted” (Anglicare TAS, 2022). Tasmania has historically low rental vacancies and only one in eight landlords allows pets. (Gwynn, 2022).

Despite the traditional arguments against pets in rentals, the alleviation of this issue lies not in exclusion of potential tenants and thus limiting the demand for rentals. Rather, it should be addressed by ensuring the landlords' concerns are incorporated into leases i.e., mandatory cleaning schedule, additional damage bonds etc. (Australian Dog Lover, 2019).

Some of the benefits of allowing pet owners into rentals include (Australian Dog Lover, 2019):

- Added security - pets, especially dogs, allow a greater level of security.
- Longer Tenancy - given the limited options of pet owners and the difficulties surrounding moving rentals with a pet, pet owners tend to remain with properties for longer periods.
- Demonstrated competency - the ownership and management of a pet provide proof of a potential tenant's level of responsibility.

These benefits need to be more widely promoted; and to be more effectively reflected in contemporary legislative frameworks.

5. Legislation related to pets in rentals

The legislation surrounding pets and rentals varies significantly across Australia's jurisdictions. However, over the past couple of years, new laws have been introduced in most states which make it easier for tenants to have pets in rental properties. As well, many apartments are relaxing their bylaws for suitable pets, like small dogs, cats and reptiles.

The current state of play can be summarised as follows:

- **ACT:** In 2021, the ACT implemented legislation that means that, whilst pet owners can still be refused a rental on the basis of said pet, the landlord must formally submit their refusal, along with the reasoning behind the refusal, to the state's Civil & Administrative Tribunal and the Tribunal decides the outcome.
- **NSW:** NSW does not presently have a firm law surrounding the issue. The standard residential tenancy agreement released by Fair Trading NSW includes an optional term that can require professional cleaning etc when pets are included on leases. However, NSW Labor recently released a housing policy that proposes to alter the process of renting in NSW to meet the standards set in some other states. NSW Labor stated that a property owner would be required to provide a detailed response within twenty-one days of a tenant applying for a pet: If no response is provided, then the request is automatically approved (Murphy, 2023)
- **Northern Territory:** There is no specific legislation in NT surrounding pets in rentals, which means, in reality, it comes down to the landlord's decision.
- **Queensland:** In October 2022, Queensland changed its rental legislation to provide greater rights to tenants. The first stage of the reform made it simpler for victims of domestic violence to end a lease early and reclaim their bond. The second stage of changes prevented landlords from stating that pets are not allowed in rental advertisements, further, whilst tenants must seek consent from their landlord to have a companion animal, each request must be responded to and a refusal must be based upon established grounds as opposed to the arbitrary decisions seen prior to October.
These established grounds must be specific and found under the current legislation: they include body corporate by-laws, if the size of the pet or security concerns raised issues, or if the pet is deemed dangerous (Cassidy, 2022).
For landlords, 'pet damage' has been excluded from the general wear and tear of an apartment. Tenants are required to return a property to the condition it was in upon entering the lease (Cassidy, 2022).
- **South Australia:** The South Australian Premier, Peter Macjuskas, stated that South Australia's legislation in this area was outdated compared to the other states. Further, the Premier stated that given the difficult rental market, pet owners were put at an 'unfair disadvantage' (ABC, 2023).
Last month, the South Australian Government proposed changes to the Residential Tenancies Act that would provide companion animal ownership rights to tenants. Under these changes, tenants must negotiate with their property owner and agree to comply with reasonable conditions imposed such as requiring cleaning at the end of the lease or requiring the pet to stay outdoors etc., (ABC, 2023).
If a tenant considers these conditions as unreasonable or if they consider a property owner's refusal as unreasonable, they can apply to the South Australian Civil and Administrative Tribunal (SACAT). The State Government stated that these changes were based upon the Queensland reforms. This provides a slightly altered version of the Reasonable Rejection Model (see below).
- **Victoria:** Recent legislative changes require a tenant who desires a companion animal on the property must fill out a request form to do so. Landlords are only able to refuse this request if the Victorian Civil and Administrative Tribunal (VCAT) thinks it reasonable to do so.

Consumer Affairs Victoria states that “[a]ll renters, including those with pets, have a responsibility to keep their rental property clean, avoid damage, and not be a nuisance to others. The rental provider has rights if a pet causes damage or other problems” (Consumer Affairs Victoria, 2023).

- **Western Australia:** WA rental legislation was amended in 2023. Amongst other reforms, WA has followed Victoria in that for a rental provider to refuse a pet, they must apply to the Commissioner for Consumer Protection based on a reasonable reason (Bourke, 2023). This is another example of the Reasonable Rejection Model (see below). Western Australia also has since 2020 allowed for rental providers to require a once off ‘pet bond’ of up to \$260 (can be higher if the weekly rent is >\$1,200/week).

Animal lovers are excited to hear that the Tasmanian government has recognised the need for change, too.

Last year, Consumer Affairs Minister Elise Archer announced that the government would consider reviewing the laws ‘straight away’.

"This is about balance(between landlords and tenants), but I'm very open to looking at this because I know how important it is for people to have their pets because they are great companions and indeed sometimes, someone's best friend," she said.

This intent is long overdue - and should be recognised in this Housing Strategy.

The RSPCA looks forward to working with the government to bring these changes into force as soon as possible.

6. Possible solutions

Pet Bonds

Introduction of a pet bond system has been suggested as a solution which manages a balance between the rights of tenants and property owners.

However, pet bonds do not provide equitable access for everyone.

Research by the University of South Australia into the impact of tenancy laws identified that pet bonds fail to remove the barrier to housing for vulnerable members of society with lower incomes (Webb et al., 2021).

Some tenant advocacy groups, such as Launch Housing, ShelterWA and ShelterSA are against the concept of a pet bond as it increases the upfront cost of entering leases which places a greater burden upon those that can least afford it. This is of particular significance to victims of domestic violence (Webb et al., 2021). Further, these advocates argue that the potential damage from an animal is arguably already covered under the initial bond.

This poses a greater risk in Hobart given the severity of the housing affordability issue. If tenants are required to pay an additional pet bond, this may push previously achievable housing out of reach, even if previously this housing would have required the tenant to conceal their pet.

A pet bond may provide a potential solution to Tasmania's pets in rentals issue. However, if it is to be implemented, then measures must be taken to ensure that the negative effects upon lower income and vulnerable Tasmanians are managed.

Reasonable Rejection Model

The model adopted by the majority of Australian states is that of allowing a property owner to refuse a pet only if a reasonable reason is given.

The success of this model in Victoria is reflected in the fact that it has been adopted (in some cases with modification) in several other states.

The South Australian approach to the Reasonable Rejection Model (RRM) provides some further protection for rental providers.

Jurisdiction	Protection or rights offered to tenants with pets
NSW	NA
VIC	Reasonable Rejection Model (RRM)
WA	RRM
QLD	RRM - No third party
SA	Altered RRM
NT	NA
ACT	NA
TAS	NA

Figure 4: Protection or rights offered across Australia

The key to this model is having an independent third party body review requests made by property owners to refuse a tenant's pet request.

We argue that the Reasonable Rejection Model should be implemented in Tasmania, with the Tasmanian Civil and Administrative Tribunal (TasCAT) acting as the review body.

This model mitigates the regressive impact of a pet bond, whilst at the same time ensuring that rental providers with a reasonable basis to refuse a pet can have this claim assessed by TasCAT and thus ensure a just outcome for all parties.

This approach would look like the structure outlined in Figure 5.

REASONABLE REJECTION MODEL FOR TASMANIA

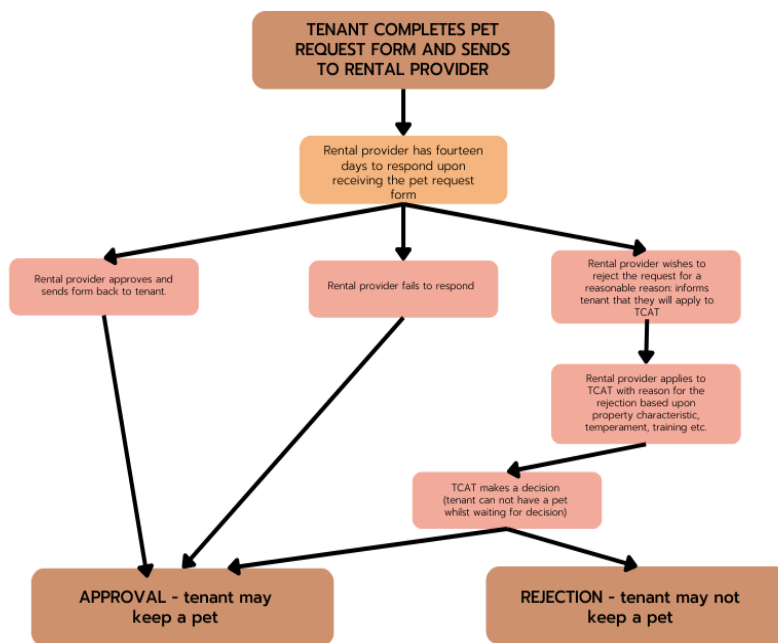


Figure 5: Proposed Reasonable Rejection Model for Tasmania

In assessing the claim, TasCAT can use the same elements of consideration as those considered by VCAT, these include:

- The type of pet.
- The nature and character of the property, and the fixtures, fittings, and appliances within.
- Local council laws or other pieces of legislation that would allow a rental provider to refuse the request.
- Other relevant matters.

7. About RSPCA Tasmania

Who we are

The Royal Society for the Prevention of Cruelty to Animals Tasmania (RSPCA) is a not-for-profit non-government organisation. We have been working to improve the welfare of animals within our state since 1878.

Tasmania has a unique affinity with its animals and the RSPCA Tasmania has become an embedded part of our state’s culture with 77% of those aware of our organisation reporting a high level of brand confidence. We are the only Tasmanian organisation to be explicitly named in animal welfare legislation and our long history of effective cooperation has allowed us to work with all manner of stakeholders, from charities to government, towards the benefit of animals.

We recognise that connections with the community are vital to furthering welfare reform and so vast amounts of resources are used on maintaining and developing our connection with the Tasmanian community.

During the past three years, the RSPCA Tasmania has:

- Investigated over 25,000 reports of animal cruelty;
- Provided care for more than 6,670 animals;
- Delivered information to thousands of Tasmanians through online resources, community engagement and the recent addition of our AWARE program that is being rolled out this year to teach children about the importance of animal welfare.
- Advocated successfully for amendments to the Animal Welfare Act 1993.

In a 2023 survey from Kantar commissioned by RSPCA Tasmania, 83% report that they feel positive about us. Our efforts within animal welfare advocacy have been recognised by the community with 84% of people believing that we care and 78% agreeing that we are effective in our efforts. Further, 77% reported a high level of trust towards our organisation.

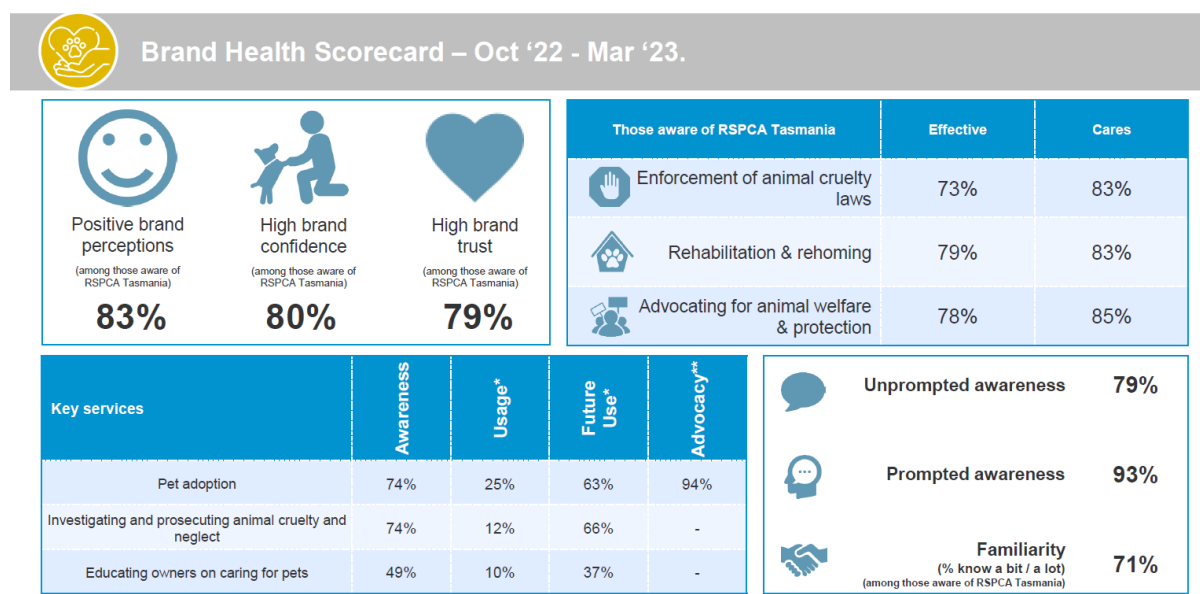


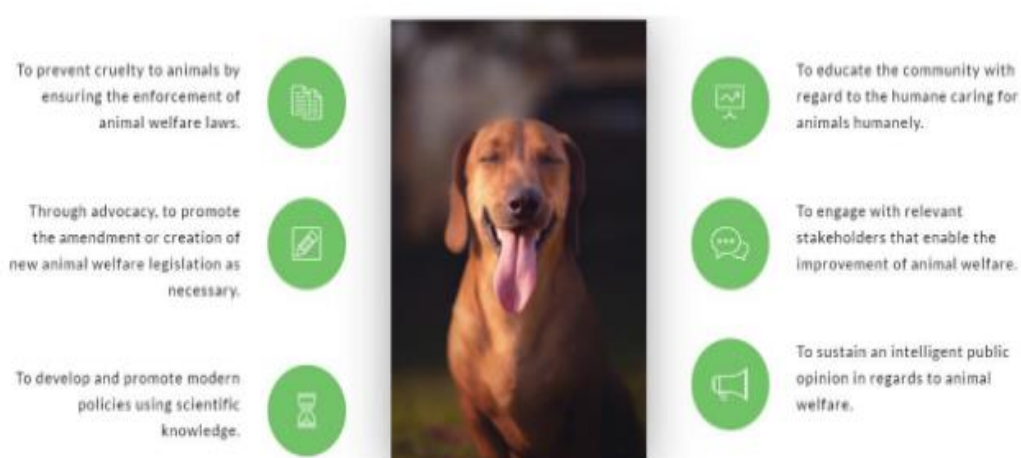
Figure 6: Brand Awareness RSPCA Tasmania

These metrics stand as a testament to our commitment to building relationships with the community and ensuring we are working to ensure Tasmania’s animal welfare legislative environment reflects contemporary community expectations. However, we’re not just here to serve Tasmanian animals, but we’re here to support the people who love and care for those animals.

What we do

Our strategic priorities are built on the pillars of Animals, Sustainability, and Our People. Within that framework we aim to:

- Constantly push for economic efficiency to maximise the use of our resources.
- Achieve the best welfare outcome for every animal in our care – through adopting socially conscious sheltering principles, improving the capability of our facilities, and increasing adoptions and foster care arrangements.
- Reduce animal cruelty and neglect – through advocacy that delivers legislative change, and community education that improves awareness and welfare outcomes.
- Reduce the number of surrendered and homeless animals – through increased desexing and microchipping programs and providing support to people in difficult circumstances.
- Support our people to do their great work – by building an exceptional workplace culture, and a dedicated network of foster carers, volunteers, and animal specialists.



How we work

- Our Animal Care Centre (ACC) at Devonport is dedicated to caring for, rehabilitating and rehoming animals.
- Our Adoption and Retail Centres (ARCs) in Latrobe and Launceston are our bases in the community. Animals are surrendered and rehomed through these centres; owners can access advice and supplies for their companion animals; and our ARC teams assist with local microchipping and education activities in their communities.
- Our Inspectorate operates under delegated powers from the state government to investigate and prosecute instances of alleged animal cruelty. Inspectors are located in Hobart, Launceston, and Devonport, and operate across the state. This team is supported by a call centre equipped to handle reports.
- Our team of dedicated volunteers assists in all our activities. They serve on our board; they care for animals in our ACC and ARCs; they organise fundraising events; and they support us in many other activities. We could not do what we do without these wonderful people.
- Our corporate office is in Launceston. Supporting our frontline teams, a group of dedicated professionals work across many areas – including fundraising and marketing, policy and advocacy, volunteer organisation, project delivery and – last but not least – our administration team who answer the phones and keep the lights on.

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