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December 12 2022

Residential Tenancies Review

Consumer and Business Services

GPO Box 1719

Adelaide, SA 5001

Via email: CBSReforms@sa.gov.au

[Mars Petcare submission to the review of South Australia's Residential Tenancies Act 1995 \(RTA\)](#)

I write to you on behalf of Mars Petcare Australia in regard to the review of South Australia's *Residential Tenancies Act 1995 (RTA)*, which is seeking comments and views on a range of potential reforms to the rental market. Our submission on the proposed reforms in South Australia is specifically in relation to **Section 5 – Renting with pets**.

This submission puts forward Mars Petcare's views that:

- Support the introduction of a presumption that a tenant who applies to keep a pet in a rental property cannot have their request unreasonably refused, however believes the onus should be on the landlord to apply to the South Australian Civil and Administrative Tribunal (SACAT) not the tenant.
- Oppose the introduction of any pet bonds or clauses as they are an additional financial impost on tenants and they create further barriers to pet ownership.

Mars Petcare Australia is one of the leading pet food manufacturers in Australia. We are a significant regional employer in the country and employ 1,000 Associates across Albury-Wodonga, Bathurst, Wacol, Sydney and Melbourne. We believe passionately in the positive, community enhancing power of pets. Our vision is to make a better world for pets by making healthy, safe, nutritious food that pets love. We believe that our responsibility extends far beyond the quality of our products, to promoting the overall health and wellbeing of pets through responsible pet ownership, whilst also promoting the positive benefits that having a pet can have on individuals and communities.

Australia maintains one of the highest rates of pet ownership in the world, and with around one-third of Australians renting, there is a high demand for pet-friendly accommodation. Pets are proven to provide a myriad of joys for their owners as well as improving physical and psychological health, and this is especially true for elderly owners and those with disabilities – groups who can often feel isolated in the community. The distress caused by having to surrender a pet due to a lack of availability of pet-friendly rental properties is extreme, often likened to losing a member of the family. According to a survey conducted by Animal Medicines Australia, the percentage of households with pets across Australia is 69 per cent.¹

As more of the Australian community is renting long term, it becomes even more important that renters' rights are sufficiently protected by legislation and regulation. As noted in the Discussion Paper, changes have been made to rental laws about pets in Victoria, Queensland, the Australian Capital Territory and the Northern Territory in recent years. Reforms have differed slightly across jurisdictions, however changes have been made to address a number of issues which include:

- People are renting for longer, more older people are renting, and the number of property manager and landlords has increased (the shift towards a more prominent role of renting means attention to the impact on tenants becomes more important)
- The viability of longer-term leasing (which would help pet owners to remain in suitable accommodation once they find it, and avoid the stress of repeatedly moving their pets)
- Factors contributing to tenants exercising or not exercising their rights (the power dynamic between tenants and landlords means effective regulation is needed to protect the rights of the parties to an agreement)

Reasonable conditions

Mars Petcare Australia supports the proposal to introduce the presumption that a tenant who applies to keep a pet in a rental property cannot have their request unreasonably refused, however we believe that landlords should only be able to refuse permission by obtaining an order from the SACAT. This is aligned with Victoria's reforms, which we view as best practice for pet-friendly housing regulation, and they have seen renters' rights supported across a range of issues that go a long way to preventing discrimination against pet owners. Tenants must still ensure they leave the property in a reasonably clean condition and pay for anything exceeding "fair wear and tear". This model strikes the right balance between ensuring renters can make their rental property a home and protecting landlords' investments in the property.

Footer Notes

¹ Animal Medicines Australia, '[Pets in Australia 2022](#)'

Pet bonds and clauses

Mars Petcare Australia do not believe that pet bonds are necessary as along with the additional impost they place on tenants financially, they also create further barriers to pet ownership. We put forward that the South Australian Government should forbid pet bonds from being charged as any damage caused by a pet should be covered in the rental bond, or if damage exceeds the bond, the lessor should have recourse to have the tenant pay damages consistent with the existing responsibility to keep the property in a reasonable state of cleanliness.

While clauses in South Australia's RTA do not exclusively prohibit pets, we recommend that a consideration, similar to that outlined in the Victorian legislation, be included in the Act, rendering pet clauses unenforceable where they unreasonably limit or prohibit the keeping of pets. Moreover, there are other areas where rental laws should reflect the rights of pet owners (see Appendix 1 for more details) such as preventing lessors from denying rental applications solely on the grounds that the applicant has a pet.

We commend the South Australian Government on the positive step forward that has been made to addressing tenants' rights to have pets in this Review. We appreciate the opportunity to contribute and point to the hugely successful reforms in Victoria as best practice in terms of rental reform. We would welcome the opportunity to further discuss these reforms with you and look forward to supporting action towards creating more pet friendly rental laws in South Australia.

Kind Regards,



Sophie Anning

Corporate Affairs Director

Mars Petcare Australia

Appendix 1: The Victorian Reforms

In October 2017 the Victorian Government announced a number of reforms to “make renting fairer” including allowing pets to be kept in rental premises and removing the ability of landlords to issue tenants with “no specified reason” notices to vacate. In effect, these reforms succeeded to:

- Abolish “no specified reason” notices to vacate (had been used to evict pet owners)
- Introduce new restrictions on ending leases without a reason at the end of a lease when that lease has lasted more than one fixed term (so pet owners can remain in their rentals longer)
- Require landlords to give their written permission for tenants to keep a pet and can only refuse if they obtain an order from the Victorian Civil and Administrative Tribunal (this shifts the default in favour of pets, rather than a presumptive negative)
- Outgoing tenants will need to undertake cleaning and fumigation if there is pet-related damage to the property that goes beyond fair wear and tear; this is consistent with the existing requirement to not damage the property (this assuages the concern regarding damage of advocates against allowing pets)
- There is no mention of pet bonds; it seems that the reforms rely on the existing responsibility of tenants to keep the property in good order and the existing mechanisms (bond and requirement to repair) to give effect to that responsibility
- As before, landlords cannot refuse consent for assistance dogs (a long-standing principle that requires protection)

In September 2018 the *Residential Tenancies Amendment Bill 2018* passed Parliament and the reforms came into effect in July 2020.

Mars Petcare Australia emphatically supports these reforms, as they represent best practice in Australia for pet-friendly housing regulation and provide a blueprint for other states and territories.

More details can be found at: [Residential Tenancies Amendment Act 2018](#)