

Pets and Assistance Animals

Policy

Date effective: 1 January 2021

1. Purpose

This policy outlines requirements for keeping a pet or assistance animal in a premises owned or managed by the Chief Executive Officer (Housing).

2. Objectives

This policy aims to:

- Safeguard the rights of persons with a disability to have their assistance animal appropriately accommodated in their premises.
- Allow tenants of premises owned or managed by the CEO (Housing) to keep pets where the premises are appropriate for such animals.
- Manage the impact of pets and assistance animals on neighbours and damage to premises.

3. Scope

This policy applies to residential premises where the CEO (Housing) enters into a tenancy agreement with a tenant, whether the premises is owned or leased by the CEO (Housing).

This includes public housing, Government Employee Housing and premises leased to community organisations for the provision of residential accommodation.

This excludes other housing programs that are managed by agents on behalf of the CEO (Housing), such as affordable housing.

4. Definitions

Assistance animal An accredited animal trained to assist a person with a disability to alleviate the effect of the disability as defined under the *Disability Discrimination Act 1992 (Cth)*.

CEO (Housing) Chief Executive Officer (Housing)

Pet A domesticated or tamed animal kept for companionship.

5. Policy detail

It is recognised that pets can be beneficial to mental and psychological health and that assistance animals may be required for persons with disabilities to alleviate the effect of the disability. The CEO (Housing) seeks to balance the benefits of keeping pets and a requirement for assistance animals against any impact on neighbours and potential damage to property.

Tenant rights in relation to assistance animals are provided for under the *Disability Discrimination Act 1992 (Cth)*.

Tenants who sign a tenancy agreement from 1 January 2021 are permitted to keep a pet in premises owned or managed by the CEO (Housing) in accordance with section 65A of the *Residential Tenancies Act 1999 (RTA)*, subject to any application to the Northern Territory Civil and Administrative Tribunal by the CEO (Housing) under section 65B of the RTA, objecting to the tenant keeping the pet on the premises.

Tenants who entered into a tenancy agreement with the CEO (Housing) prior to 1 January 2021 are not required to notify the CEO (Housing) if they wish to keep a pet at the premises, however the keeping of a pet remains subject to the terms of this policy (excluding sections 5.1, 5.2 and 5.3).

5.1. Notifying the Chief Executive Officer (Housing)

Tenants who sign a tenancy agreement from 1 January 2021 must give the CEO (Housing) written notice of their intention to keep a pet in accordance with the RTA. A tenant may give notice for more than one pet.

The CEO (Housing) has 14 days to respond to the notification and during this time, the tenant must not keep a pet on the premises.

Where the CEO (Housing) does not object to the pet, the tenant will be notified in writing within 14 days.

Where the CEO (Housing) objects to the pet, written notice of the objection and the reason for the objection will be provided to the tenant within 14 days and an application will be made by the CEO (Housing) to the Northern Territory Civil and Administrative Tribunal for an order that the objection is reasonable and the tenant must not keep the pet on the premises.

5.2. Applicants with pets or assistance animals

Applicants waiting for housing who already have a pet or assistance animal should advise the CEO (Housing) at the pre-tenancy interview. Offers of housing will consider whether the premises offered is appropriate for the household's needs, including any pets or assistance animals. Specific requirements for pets where there are limited premises available may delay an offer of housing and will be discussed with the applicant.

Applicants who have previously advised the CEO (Housing) of existing pets will need to reconfirm, in writing, their intention to keep the pet on the premises prior to signing a new tenancy agreement.

5.3. Additional pets

Previous approval for a pet does not automatically provide approval of future pets. Tenants must notify the CEO (Housing) if they wish to request additional or new pets.

5.4. Assistance animals

Under *Disability Discrimination Act 1992 (Cth)*, tenants have the right to keep an assistance animal at a premises. The CEO (Housing) may request evidence to show that an animal is:

- an assistance animal; and
- trained to meet appropriate levels of hygiene and behaviour.

5.5. Units subject to body corporate

Where a tenant resides in a premises subject to a body corporate prohibition on animals, the tenant is not permitted to keep a pet on the premises.

Where a pet is allowed by a body corporate, the tenant must abide by any body corporate rules regarding the keeping of pets or animals, for example rules may state that:

- the animal is not allowed to roam on common property, or other tenant's premises;
- the animal must not cause a noise or nuisance to neighbours; and
- any waste or mess on common property caused by the animal is effectively cleaned and disposed of appropriately.

5.6. Council Bylaws

Local Councils in the Northern Territory may have animal management Bylaws covering their council area. Tenants are responsible for ensuring they comply with any Bylaws in their area, including requirements for registration and for keeping dangerous or restricted animals.

Where the CEO (Housing) reasonably believes that a tenant is keeping a pet in contravention of the applicable local Bylaws, the CEO (Housing) may report its concerns to the relevant Local Council or Animal Welfare Authority.

5.7. Transferring with pets

When a tenant transfers between public housing premises, the tenant must notify the CEO (Housing) in writing for all pets to be located at the new premises, whether or not notification was provided at the previous premises.

5.8. Responsibilities of pet owners

While pets and assistance animals are living at a CEO (Housing) premises, owners must ensure:

- animals do not prevent lawful access to the premises;
- animals do not create a nuisance or danger to others;
- animals do not cause damage to property;
- animals are kept in a manner that ensures their ongoing welfare and safety; and
- the tenant has any required registration and certification to own the particular type of animal (particularly relevant for native animals, snakes and reptiles).

A tenant may request to make alterations or additions to the premises to facilitate the safe keeping of a pet in accordance with the Property Management policy. Permanent structures to keep pets are not permitted without written permission from the CEO (Housing), and all alterations and additions are at the tenants own expense.

Under the Property Management policy, the CEO (Housing) does not allow the installation of fishponds at public housing premises.

5.9. Nuisance or danger

Local Councils have the authority to deal with animals causing a nuisance or presenting a danger to residents, and complaints should be made directly to the Local Council, where relevant Bylaws are in place.

When the CEO (Housing) receives a complaint about an animal and the Local Council is not able to manage the complaint, the CEO (Housing) may refer the complaint under the *Animal Welfare Act 1999* to Animal Welfare Inspectors.

The CEO (Housing) may initiate a discussion with tenants if it has concerns about a pet, even where no complaint has been received. Examples of situations where this may occur include where an animal prevents lawful access to a property, where an animal is aggressive towards a CEO (Housing) representative, or any other situation where the CEO (Housing) has a reasonable belief that an animal may cause nuisance or danger.

If a tenant fails to rectify an issue or concern about an animal causing nuisance or danger, the CEO (Housing) may refer the matter to an appropriate authority, such as Local Council, Animal Welfare Authority or Police, or may take compliance action where there is a Tenancy Agreement breach.

5.10. Damage

Tenants are responsible for any damage a pet or assistance animal may cause to a CEO (Housing) premises. See the Tenant Damage policy.

If the tenant fails to take action to prevent further damage, the CEO (Housing) may take compliance action.

5.11. Animal welfare

Pet owners have responsibility for their pets.

Under the *Animal Welfare Act 1999*, the minimum level of care required for an animal is that it:

- a) has appropriate and sufficient food and water; and
- b) has appropriate accommodation and living conditions; and
- c) is appropriately treated for disease, injury or suffering; and
- d) is allowed appropriate exercise; and
- e) is handled only in ways that are appropriate; and
- f) is confined or restrained only in ways that are appropriate; and
- g) is worked, ridden or otherwise used only in ways that are appropriate; and
- h) is not abandoned; and
- i) is not used in an organised animal fight.

In any circumstance where the CEO (Housing) believes that these minimum requirements are not being met, the CEO (Housing) will immediately report the concerns to the Animal Welfare Authority.

5.12. Abandoned animals

If a tenant abandons an animal without providing adequately for its care, they may be in breach of the *Animal Welfare Act 1999*.

If it is reasonably apparent that the animal has been abandoned indefinitely, or that the animal's immediate welfare is at risk, the CEO (Housing) will contact the Animal Welfare Authority, and/or Local Council in that area.

The CEO (Housing) may also arrange for the removal of an animal from a property if it reasonably believes the animal has been abandoned.

5.13. Commercial breeding and keeping

Breeding or keeping animals for commercial purposes is strictly forbidden in public housing premises without the express written consent of the CEO (Housing) and strict compliance with council Bylaws – refer to the Home Businesses and Self-Employment policy.

5.14 Burial of pets or assistance animals

It is preferred that tenants do not bury pets or assistance animals on premises owned or managed by the CEO (Housing). However, where alternative arrangements cannot be made, tenants must seek approval in writing from the CEO (Housing) prior to burying the deceased animal. Any request from a tenant to bury an animal on the premises will be assessed in relation to the nature and size of the animal, the location and size of the premises, relevant Local Council Bylaws and environmental health legislation.

6. Decision-making (delegation and discretion)

The CEO (Housing) may delegate a power or function under the *Housing Act 1982* or other Act. Delegated officers may make decisions on behalf of the CEO (Housing) in line with the Housing Delegations and Financial Management Delegations.

A discretionary decision may be made outside the general application of policy if it supports the policy intent, will prevent a client from being unfairly disadvantaged, and is in line with the CEO (Housing)'s delegations and legislative obligations. Refer to the Discretionary Decision Making policy.

7. Complaints and/or appeals

If a client is not satisfied with either a decision or action of the Department, they can access the Department's complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

8. Review of the policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly.

9. References

9.1. Legislation

Animal Welfare Act 1999

Disability Discrimination Act 1992 (Cth)

Housing Act 1982

Residential Tenancies Act 1999

9.2. Policies

Appeals policy

Complaints policy

Discretionary Decision Making policy

Home Businesses and Self-Employment policy

Property Management policy

Tenant Damage policy

10. Document change control table

Release date	Version number	Approved by	Section amended	Category
01/01/2021	3.00	Chief Executive Officer	all	Revised
23/11/2016	2.01	Chief Executive Officer	all	Editorial amendments
16/09/2015	2.00	Chief Executive Officer	all	Revised
2/09/2013	1.00	Executive Director, Housing Operational Client Support	all	New separate policy derived from Housing Services Operational Policy Manual, Chapter 9