

Pets

Policy

Date effective: 23 November 2016

1. Purpose

To support tenants to provide a safe and happy environment for pets and manage any nuisance caused by domestic animals in all Department of Housing and Community Development ('the Department') premises including public housing, Government Employee Housing and Industry Housing.

2. Scope

The policy covers ownership and management of all pets in Department premises, including properties leased by the Department and subleased to tenants.

3. Policy

The Department recognises that pets are an important part in the lives of many tenants and will allow pets to be kept at Department premises as long as they comply with the tenancy agreement and subject to this policy.

3.1. Permitted pets

The Department has no objection to tenants keeping pets at Department premises, provided the following:

- pets do not prevent lawful access to the premises;
- pets do not create a nuisance or danger to others (see section 3.2 below);
- pets do not cause damage to property (see section 3.3 below);
- the keeping of pets complies with Local Council bylaws (see section 3.4 below);
- pets are kept in a manner that ensures their ongoing welfare and safety (see section 3.5 below);
- the tenant has any required registration and certification to own the particular type of animal (particularly relevant for native animals, snakes and reptiles); and
- pets are allowed by the body corporate, where applicable.

Livestock are not permitted as pets. The *Livestock Act* defines livestock as:

- crocodiles, cattle, buffalo, horses, camels, sheep, goats, pigs (including wild pigs), deer, llamas, alpacas, poultry and honey bees; and
- any other animals declared to be livestock by Gazette notice.

Any cage, enclosure, fence or other structure to restrict the movement of a pet or to protect it from predators must comply with Council regulations and must be removed at the end of a tenancy. Permanent structures are not permitted without written permission from the Department.

3.2. Nuisance or danger

The Department may investigate complaints about animals causing a nuisance or presenting a danger in line with the Complaints policy. Examples include, but are not limited to, excessive noise, attracting pests, displaying aggressive behaviours, fouling areas, and roaming.

Where complaints are substantiated, the Department will request that the tenant rectify the issue.

The Department may also refer complaints about animals causing a nuisance or presenting a danger to the Local Council if that council is equipped to handle such complaints.

The Department may initiate investigation or 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 Department staff member, or any other situation where the Department 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 Department may refer the matter to an appropriate authority, such as Local Council or Animal Welfare Authority, or may commence its own action to terminate a tenancy.

3.3. Damage

Tenants are responsible for any damage a pet may cause to a Department property. See the Tenant Damage policy.

Where damage is more than trivial, or where repeated damage is likely, the Department will request that the tenant rectify the issue, usually by removing the animal or restricting its ability to cause damage.

If the tenant fails to take action to prevent further damage, the Department may commence action to terminate a tenancy.

3.4. Council bylaws

Each Local Council in the Northern Territory has its own bylaws, which may include details of the number or type of animals that can be kept at particular properties. Tenants are responsible for ensuring they comply with the bylaws in their area. Information on Local Councils is available from the Department.

Where the Department reasonably believes that a tenant is keeping a pet in contravention of the applicable local bylaws, the Department may report its concerns to the relevant Council or may take its own action to have the situation rectified.

3.5. Animal welfare

Pet owners have responsibility for their pets.

Under the *Animal Welfare Act*, 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 Department believes that these minimum requirements are not being met, the Department will immediately report the concerns to the Animal Welfare Authority.

3.6. Abandoned animals

If a tenant abandons an animal without providing adequately for its care, they may be in breach of the *Animal Welfare Act*. The Department will make all reasonable attempts to check if the animal has been abandoned indefinitely, and whether it is receiving adequate food, care and shelter. This may require taking appropriate time to ascertain if the animal is at risk due to a lack of duty of care from the owner or person in charge of the animal, sometimes including multiple checks of the property and animal.

If it is reasonably apparent that the animal has been abandoned indefinitely, or that the animal's immediate welfare is at risk, the Department will contact the Animal Welfare Authority.

The Department may also arrange for the removal of an animal from a property if the Department reasonably believes the animal has been abandoned. The tenant will be liable for the reasonable costs the Department incurs in removing and caring for the animal.

3.7. 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 Department – refer to the Home Businesses and Self-Employment policy.

4. Discretionary decision making

Discretion can be applied to this policy using the Discretionary Decision Making policy. Ultimately, the decision on whether or not to allow any pet to remain in any premises lies with the delegated staff member who will consider the intent of this policy, the individual circumstances of the tenant and animal, and the impact on neighbouring tenancies or properties in applying their discretion.

5. 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.

6. 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. This policy will be reviewed within two years of release.

7. References

Legislation

Animal Welfare Act

Housing Act

Livestock Act

Residential Tenancies Act

Policies

Appeals policy

Complaints policy

Discretionary Decision Making policy

Home Businesses and Self-Employment policy

Tenant Damage policy

8. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
23/11/2016	2.01	Director Policy	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