



**NORTHERN TERRITORY GOVERNMENT –
ATTORNEY GENERAL AND MINISTER FOR JUSTICE**

**NT SHELTER RESPONSE TO INQUIRY INTO THE RESIDENTIAL TENANCIES
AMENDMENT BILL 2018**

9 MARCH 2018

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**Economic Policy Scrutiny Committee
Northern Territory Government**

PREAMBLE

NT Shelter welcomes the opportunity to provide feedback and comments in relation to the amendment of the Residential Tenancies Act (RTA).

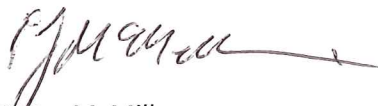
NT Shelter Incorporated is the peak non-government body for advocating for affordable and appropriate housing for all Territorians, especially in relation to low income households and others disadvantaged in the housing market. It is important to alleviate the pressure on public housing and to support initiatives that address the needs of vulnerable persons. We engage with a broad range of stakeholders across the housing sector as well as those who have expertise in areas relevant to those most at need.

As a peak body, we are committed to encouraging an evidence-based approach to policy development, effective consultation, examination of innovative programmes and utilising knowledge and experience both locally and from further afield. We appreciate the opportunity afforded to us and other stakeholders to have our say in this important area prior to amending the RTA.

It was apparent at our Darwin, Katherine and Alice Springs Accommodation Action Group meetings as well as our consultations with stakeholders, that there have been some inconsistent practices within the private rental sector relating to the use of these databases. We are glad to have been part of the Darwin Community Legal Services campaign towards the review of the RTA and are aware of the REINT's support for regulating the use of residential tenancy databases in the NT.

Overall, NT Shelter supports the Bill and recommend minor amendments to sections that relate closely to experiences of individuals affected by the unregulated use of tenancy databases in the NT. The Bill has sufficient regard towards the rights and liberties of individuals especially in terms of the right to appropriate housing. We trust that the comments which we provide, and which emphasise key matters or perspectives from stakeholders throughout the NT, are of value to the committee.

We look forward to working collaboratively with the Northern Territory Government and other stakeholders towards the successful amendment of the Residential Tenancies Act.



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NT Shelter supports the proposed amendments to the Act, particularly regarding the insertion of Part 14 under Clause 8. The amendments meet the primary purpose of the Bill, essentially, regulating the use of residential tenancy databases and how various stakeholders use personal information of tenants. In addition to that, we acknowledge, as given by the Statement of Compatibility with Human Rights, that the amendments are in accordance to the minimum level of rights and liberties of individuals. Our response to specific sections are aligned with the guidelines as set by these minimum levels of rights, obligations and limitations.

A) NOTIFICATION REQUIREMENTS ON USE OF DATABASES

Sections 126 and 127 require landlords to give notice to potential tenants of their use of tenancy databases and the information they would have access to. This sufficiently address the rights of individuals being placed on tenancy databases and is supported by accounts from frontline workers in our member organisations where clients had been repeatedly unsuccessful in their private rental applications and were unaware that these were a result of landlords having viewed their records on one or more tenancy database. The requirement for potential tenants to be informed of what personal information is displayed and how they may have access to that information from the respective database operators is a welcome move.

B) RESTRICTION ON INFORMATION PLACED ON DATABASES

In Section 128, part (1)(a) requires that the personal information of a person should not be listed in a tenancy database unless that person was named as a tenant in tenancy agreement that has ended. However, this does not specify the period of time since the end of the tenancy and may arise in circumstances where individuals are placed on the database a long time after their tenancy ends.

Given that Section 133, later, requires that personal information is not to be kept on the database for more than three years, it may be more accurate for Section 128 (1)(a) to require that the tenancy agreement should have ended not more than three years prior to the tenant's name being listed.

Parts (1)(b) to (d) of Section 128 require that the personal information of a person should not be listed in a tenancy database unless the tenancy agreement had been breached by the person. These however, do not stipulate that sufficient notices to recompense for the breaches would have had to be ignored or refused by the tenants prior to being listed on the database. While best practice examples of property managers who place tenants on the databases only after the latter repeatedly refuse to engage or set up payment arrangements or repair damage were shared, this may not be a consistent practice by property managers across the NT. The value of damage or outstanding payments may also be in dispute between parties and these should be clearly established prior to having a record created in the database.

NT Shelter supports the requirement made in Section 129 for the same reason as Sections 126 and 127. The Bill could include the need for tenants to be given notice of having their records removed from the database upon settlement of their breach or the expiry of the three years from when they were listed on the database.

C) OBLIGATIONS TO CORRECT INFORMATION

We strongly support the strict requirements of Section 130 and 131 on the rectification of incorrect information being recorded against a person on the database. Yet, we are concerned that the date of identifying that incorrect information cannot be pinpointed, unless evidence of correct information being submitted is kept on record.

We recommend that the requirements given in this Section be more stringent to ensure that records are updated immediately after incorrect or out of date information is identified. Although the individual has access to apply directly to the database operators to put forward a case to have their records cleared, this would only occur after discovering their records had not been cleared from the database following several missed opportunities to secure a place to rent.

D) OBLIGATIONS TO PROVIDE INFORMATION UPON REQUEST

We support Section 132 in that it is the right of an individual to be able to sight the records with their personal information, which is bound to prevent them from securing accommodation in the future.

E) TIME LIMITS FOR KEEPING PERSONAL INFORMATION ON DATABASES

Section 133 requires that personal information of individuals cannot be listed for longer than 3 years. This is strongly supported given that it is aligned to timeframes across the country and that it allows tenants the opportunity to start afresh after what may have been a rough period.

We support Sections 134 to 136 and have no further recommendations on the proposed amendments.

While we support the passing of the Bill, we wish to emphasize the need for a review of the entire RTA to address the lack of access and the threat of eviction that disadvantaged cohorts experience in private rental. This is particularly, to ensure victims of domestic violence are not treated less favourably on account of the violence and made further at risk of homelessness.

To discuss our response further or should you require any further information relating to issues faced by renters or prospective renters in the NT, please do not hesitate to contact:

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