

Ms FYLES (Attorney-General and Justice): I acknowledge and thank the Economy Policy Scrutiny Committee, particularly its Chair, the Member for Brennan, for its consideration of the bill—the whole committee led by the Chair. I also thank those stakeholders who made submissions to that committee.

The committee made some recommendations about which I will take time to speak. First, it supported the passing of the bill and I thank it for that support. Second, the committee recommended a small change to section 129, under which landlords and database operators will be required to provide a copy of what is intended to be listed on a database before it is listed. I let the House know that the government accepts the recommendation of the committee.

As opposed to the 14-day period originally proposed in the bill, the period will be changed to 28 days. If a tenant disagrees with what is intended to be listed—under the Consideration in Detail stage amendment that the Economic Policy Scrutiny Committee has proposed, which the government has adopted—the tenant will have 28 days to make a submission to the landlord or the database operator, either objecting to the listing being made or in relation to its accuracy, completeness or clarity.

Under section 129 landlords and database operators are required to notify the individual and the committee made the recommendation that it should not be a 14-day period but a 28-day period, just to make that clear for the parliamentary record.

The committee considered the issue of unjust listings. Under the bill at section 128, listings may only be accurate and complete if having arisen through a breach of the tenancy agreement that the breach having resulted in a debt payable to the landlord exceeds the security deposit.

For a listing to be made there needs to be substance behind it. Personality clashes between a landlord and a tenant for example would not meet the test of there being a breach that resulted in a debt payable to the landlord that exceeds the security deposit. Under section 128 it has to be established that there was in fact a breach of the tenancy agreement and that it was the tenant that breached it. Likewise, claims for unsubstantiated debts would not pass the debts. For a listing to note a debt, the debt must exceed the security deposit which would require the necessary finding by NTCAT of that fact or agreement of the tenant before it could be considered to be accurate, complete and unambiguous.

Section 134 enables a person to apply to NTCAT in relation to personal information listed or proposed to be listed on the database. NTCAT as the House is aware has a broad discretionary power to inquire into matters and to fully inform itself as it sees best. Where a listing or a proposed listing is found wanting that basic factual basis required by section 128, NTCAT may prohibit its listing or order its removal or amendment.

NTCAT has demonstrated on a number of occasions in tenancy matters that it is prepared and able without specific direction to look into the individual circumstances of the situation when determining whether a tenant may be liable for a lease breach including circumstances where a co-tenant has perpetrated domestic violence.

Notwithstanding all of the above, the government accepts the committee's recommendation that these provisions need to be monitored. The government will undertake to assess how the protections in the bill operate in practice and if there are issues with people unjustly listed on a residential tenancy database will absolutely come back to this issue.

That leads us to the committee's last recommendation. The committee recommended that the government undertake a comprehensive review of the Residential Tenancies Act to identify opportunities for improvement and to propose amendments to make the Northern Territory Act more contemporary. As I alluded to in the earlier part of my speech, I am very pleased to say that the government will be doing that. I expect the full public review to be launched later this year and will certainly update the House and make sure that we provide as much information as possible so that the community, key agencies and the community sector and individuals can provide their input into that.