

9 March 2018

Mr Russell Keith
First Clerk Assistant
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To the Economic Policy Scrutiny Committee,

RE: Residential Tenancies Amendment Bill 2018

I am writing to support the proposed amendment to the *Residential Tenancies Act NT*; the addition of Part 14 pertaining to the administration of tenancy databases in this jurisdiction.

Anglicare NT is one of the largest non-government service providers in the Northern Territory. Our services include: housing and homelessness, disabilities, aged care, prison support, youth and children and family programs.

There is no doubt that a critical shortage of social housing in the NT contributes to the cycle of disadvantage. Therefore, supporting more people to transition into the private rental market, when they are ready, is a strategy that Anglicare NT and other housing providers use to ensure that new clients can move into our supported accommodation.

The status quo which allows tenants to be blacklisted on a tenancy database for an undefined amount of time may unduly prevent tenants from obtaining a private rental property and moving out of the social housing system. It is for this reason that we welcome Part 14, Section 133 which stipulates that personal information can only be held for a maximum period of three years and Section 130 which compels the landlord to ensure the information is accurate and up to date.

Anglicare NT recommends further strengthening Section 133 by adding a provision that requires notification be given to the tenant when their name is removed from the database. This would alert tenants residing in social housing that they may now be eligible to pursue private accommodation.

Overall Part 14 is clearly intended to make the tenancy database system fair and transparent. However, the inclusion of an 'Unjust' clause in Section 134, similar to those found in NSW and Queensland legislation must be added to strengthen protections for vulnerable tenants e.g. victims of domestic violence or person's with a mental illness. The legislation should clearly stipulate that personal information about a tenant should not be stored on the database and can be removed with an order from the Tribunal if it is:

“unjust in the circumstances with regard to: (i) the reason for the listing; and (ii) the tenant’s involvement in the acts or omissions giving rise to the reason for the listing; and (iii) the adverse consequences suffered, or likely to be suffered, by the tenant because of the listing; and (iv) any other relevant matter.”¹

This should be followed by clear examples of how to apply the “Unjust’ clause, similar to those found in Queensland’s *Residential Tenancies and Rooming Accommodation Act 2008*:

1 Personal information about Y is listed on a tenancy database for a reason relating to damage caused to premises by a domestic associate of Y in the course of an incident of domestic violence. Because of the listing, Y can not obtain appropriate and affordable accommodation.

¹ <https://www.legislation.nsw.gov.au/#/view/act/2010/42/part11/div2/sec217>

2 Personal information about Z is listed on a tenancy database for a reason relating to an amount of rent that remained unpaid for 2 months after it was payable. During that period, Z was in hospital recovering from a serious accident and unable to make arrangements for payment.²

Adding this important clause would complement the Northern Territory Government's other proposed legislative changes to the *Anti Discrimination Act NT* and the *Domestic and Family Violence Act* which aim to support disadvantaged groups and victims of domestic violence in particular.

Anglicare NT congratulates the NT Government for proposing to amend the *Residential Tenancies Act NT* to bring the Northern Territory in-line with other states and territories. With some adjustments as outlined above, the changes legislation will be a step towards a fairer system.

Kind Regards,



Dave Pugh
Chief Executive Officer
Anglicare NT

² <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2008-073>