

**RTRAAB2011 INQUIRY
SUBMISSION 001**

22 July 2011

The Research Director
Community Affairs Committee
Parliament House
George Street, Brisbane, 4000.



Re: The Residential Tenancies and Rooming Accommodation Amendment Bill 2011.

Attention Cathy Munro.

Queensland Shelter would like to thank the Community Affairs Committee for acknowledging our input into the development of nationally consistent tenancy database laws and for the opportunity to provide comment on the Draft Amendment Bill.

Qld Shelter believes that this Bill when passed will serve to facilitate tenants' access to details held about their tenancy histories; their ability to remedy past indiscretions; and to contest specious, inaccurate, or unjust listings without imposing undue hardship. Similarly, improved accuracy of databases will enhance their use as a legitimate risk management tool for lessors seeking to manage their assets prudently.

We believe that the suggestions that follow will encourage ethical use of and respect for databases by lessors and tenants alike by:

- Ensuring free access to information held in databases about tenants,
- Ensuring that penalties applied under the Act are enforceable across borders, and
- Protecting tenants against the misuse of tenancy history databases that record a tenants application history.

Qld Shelter believes that the definition of databases under Section 5, s.457A should be expanded to include the use of tenancy history databases wherein the tenant and lessor have no commercial relationship and have not entered into a lease. In practice, these application history databases are often indistinguishable from tenancy history databases and serve as screening tools for lessors who infer that a tenant is a poor risk if they have applied for multiple properties unsuccessfully. This practice that effectively and inequitably disadvantages prospective tenants in a competitive rental market is not covered in the revised Bill.

Recommendation

Qld Shelter recommends that the practice of maintaining tenancy history databases should be addressed in Part 4, s.464E (6) to reflect their use as an applicant screening tool.

While Qld Shelter believes that the inclusion of penalties for contravening listing criteria under s.459 and s.464C will improve the veracity of listings we seek clarification as to whether penalties can be successfully prosecuted against interstate database operators that contravene tribunal orders or maintain inaccurate listings under s.464D.

Recommendation

Qld Shelter recommends that these provisions with the qualification that they must be enforceable across state and territory borders.

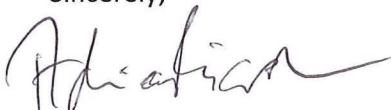
Qld Shelter also believes that lessors and lessors' agents should provide copies of personal information, which they have listed, at no charge. To do otherwise would further penalise former tenants by encouraging the practice of charging applicants for information lodged about them in many cases without their knowledge or consent. For the disadvantaged, this practice alone can prove a formidable barrier to resolving debts and redressing disputes.

Recommendation

Qld Shelter recommends that S.464I (3) should be revised to prohibit charging for information by lessors and lessors' agents, and subsection (5) should apply to database operators.

We thank the Community Affairs Committee for inviting comment and hope that they will consider these suggestions to strengthen the application and effect of the Bill. For any questions or clarification on points made in this submission please contact Peter Mengede, Policy Officer on polycypm@qshelter.asn.au or on 07 3831 5900.

Sincerely,

A handwritten signature in black ink, appearing to read "Adrian Pisarski", written in a cursive style.

Adrian Pisarski

Executive Officer Queensland Shelter