

1 August 2011

Mr Paul Hoolihan, MP  
Chair,  
Community Affairs Committee  
Parliament House,  
George Street  
QUEENSLAND 4000

Dear Sir

### **Residential tenancies and Rooming Accommodation Amendment bill 2011**

Veda is an information economy company, best known as Australia's leading provider of consumer credit reports. In late 2007, the National Tenancy Database (NTD) became part of the Veda Group of companies.

We thank the Committee for the opportunity to comment on the new Residential Tenancies and Rooming Accommodation Amendment Bill 2011. Veda has made two previous submissions to the national reform process and met on a number of occasions with Queensland officers leading consultations.

There are several issues that the legislation needs to address.

#### **Non-application to internal databases (458)**

Veda raised this issue in a January 2010 submission, pointing out at the time:

*"Real estate agent could create and maintain in-house databases, each individually receiving information from an external party. These external parties would proclaim they no longer maintain a tenant database, but in fact merely are a conduit of information direct to the exempt, in-house, databases."*

We note the attached statement from tenant database operator TICA, boasting of a product that flags tenants yet claims to not be subject to any state legislation that governs tenancy databases or its users.

Veda has raised this as a matter of urgency with the Victorian Government (their intended start date for tenancy database legislation is September 1 2011) and are writing to the NSW Government (where the legislation has already started), seeking advice on what further steps they propose taking to ensure the legislation acts in the manner intended.

### **Provision of free tenant reports (464 I)**

Veda has raised this previously, basing our argument on similar requirements to provide individuals with free credit reports. At the time of submission, this requirement was contained in the Industry Code of Conduct for credit reporting agencies.

Subsequently, draft credit reporting legislation before the Senate contains expression provision mandating that “the agency must not charge the access seeker for the making of the request or for giving access to the information”

The full wording of the relevant clause [119 (5)] is attached.

We urge the Committee to support inclusion of a similar clause in the Queensland bill.

### **Positive listings**

Veda notes the original working party findings and associated regulatory impact statement supported positive listings on the basis that listings should be clear and consistent.

We continue to call for a process to establish how positive listings could be included, based on transparent and objective measurements (eg *has the tenant always paid rent on time?*).

### **Other issues**

We note 464F (2) (c) requires an agent using a tenancy database to disclose to an applicant a notice stating a range of information including the “name of each person who listed the personal information in the database”.

We recommend this be amended to refer the name of the lessor’s agent, rather a specific employee. The name of a person should only apply where the rental agreement was made directly with the lessor.

Yours sincerely



**Matthew Strassberg**  
**Senior Adviser External Relations**

# LEADING WITH INNOVATION

The TICA Virtual Manager is TICA's latest product released to the market.

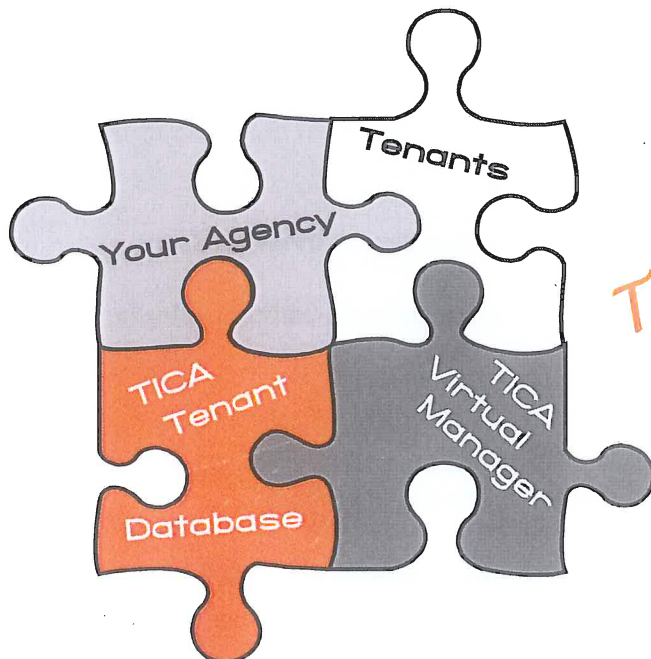
TICA Virtual Manager is your own internal database, which means it is not subject to any State Legislation that governs Tenancy Databases or its users.

TICA Virtual Manager is available to all TICA members as part of their standard Membership that fall into the categories of Real Estate Agent, Residential Unit Managers or Caravan Parks.

This innovation is another step TICA has taken to continue to Empower the Industry.

## Benefits of using TICA Virtual Manager:

- Record all your Tenant's details within the system; which then allows you to flag tenants you wish to be tracked within the TICA system when they apply elsewhere.
- Receive automatic e-mails on flagged tenants when they have applied for rentals with other TICA members, whilst they are your tenant residing in your management.
- Put a stop to your tenants having the ability to do the "midnight run".
- Auto lodgement facility to list your default tenants on the TICA Tenancy History Database with the click of a button.
- The most innovative protection tool released to the Industry in years.



*TICA Joining  
the Pieces*

# EXPOSURE DRAFT

Part A Credit reporting

Division 2 Credit reporting agencies

Section 119

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1 **Subdivision F—Access to, and correction of, information**

2 **119 Access to credit reporting information**

3 *Access*

4 (1) If:

- 5 (a) a credit reporting agency holds credit reporting information  
6 about an individual; and  
7 (b) an access seeker in relation to the information requests to be  
8 given access to the information;  
9 the agency must give the access seeker access to the information.

10 *Exceptions to access*

11 (2) Despite subsection (1), the credit reporting agency is not required  
12 to give the access seeker access to the credit reporting information  
13 to the extent that:

- 14 (a) giving access would be unlawful; or  
15 (b) denying access is required or authorised by or under an  
16 Australian law, or an order of a court or tribunal; or  
17 (c) giving access would be likely to prejudice one or more  
18 enforcement related activities by or on behalf of an  
19 enforcement body.

20 *Dealing with requests for access*

21 (3) If an access seeker requests a credit reporting agency to give access  
22 to credit reporting information, the agency must respond to the  
23 request within a reasonable period, but not longer than 10 days,  
24 after the request is made.

25 *Means of access*

26 (4) If a credit reporting agency gives access to credit reporting  
27 information under subsection (1), the access must be given in the  
28 manner set out in the Credit Reporting Code.

# EXPOSURE DRAFT

Credit reporting Part A  
Credit reporting agencies Division 2

## Section 120

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1                    *Access charges*

2                    (5) If:

3                    (a) an access seeker requests a credit reporting agency to give  
4                    access to credit reporting information about an individual;  
5                    and

6                    (b) a request of that kind has not been made to the agency in the  
7                    previous 12 months;

8                    the agency must not charge the access seeker for the making of the  
9                    request or for giving access to the information.

10                   (6) If:

11                   (a) an access seeker requests a credit reporting agency to give  
12                   access to credit reporting information about the individual;  
13                   and

14                   (b) a request of that kind has been made to the agency in the  
15                   previous 12 months; and

16                   (c) the agency charges the access seeker for giving access to the  
17                   information;

18                   the charge must not be excessive and must not apply to the making  
19                   of the request.

20                   *Refusal to give access*

21                   (7) If:

22                   (a) an access seeker requests a credit reporting agency to give  
23                   access to credit reporting information; and

24                   (b) the agency refuses to give access to the information because  
25                   of subsection (2);

26                   the agency must, in writing:

27                   (c) give the access seeker reasons for the refusal except to the  
28                   extent that, having regard to the grounds for the refusal, it  
29                   would be unreasonable to do so; and

30                   (d) notify the access seeker of the effect of sections 157 and 158  
31                   (which deal with complaints).

## 32                   **120 Correction of credit reporting information**

33                   (1) If:

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