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SA TO REGULATE TENANCY BLACKLISTS

South Australia will move to regulate privately held Residential Tenancy Databases – often thought of as tenant blacklists – to maximise fairness to all parties.

Minister for Consumer Affairs Gail Gago says SA's Office of Consumer and Business Affairs is working with other jurisdictions to prepare nationally consistent regulations governing how real estate agents and the likes utilise records about individual tenancy histories.

This coincides with recent complaints to Member for Light, Tony Piccolo, by a person who was allegedly unfairly threatened to be blacklisted on a tenant database, unless they took over responsibility for the lease of a relative.

“We want to maximise useful information for real estate agents and landlords, while also protecting people from false reporting,” says Minister Gago.

“If these databases contain inaccurate or incomplete information they can affect the ability of tenants to secure rental accommodation. Landlords also have a right to be aware of the potential risks they may be taking on.

“As tenants can re-locate across borders and many agents access a national database, there is also a need for national consistency,” says Ms Gago.

Some States already have laws relating to Residential Tenancy Databases and while others don't specifically regulate these databases, SA applies fair trading legislation that is limited in scope.

“SA has joined a national working party developing the uniform legislative framework that is looking at a range of possible provisions,” says the Minister.

Examples include:

- Ensuring tenancy applicants get timely information about the database process;
- Disallowing certain kinds of listings that could be misread as negative (eg listing a tenant as having been to the Tribunal when there could have been a positive outcome for the tenant)
- Clearly defining events that constitute a breach justifying listing on such databases;
- Only allowing tenancy breaches to be listed once a tenancy agreement finishes, with a tenant given the chance to review, correct or dispute a proposed listing before it occurs;
- Promoting the accuracy and quality of a listing;
- Ensuring tenants can access and correct listings, and a dispute resolution process;
- Defining a maximum period for certain listings to remain on a database.

The Minister is proceeding with a draft bill for public consultation, which is expected mid this year.