

## Renters find ally against blacklisting

Mark Phillips

Residential tenants could gain greater protection from rental blacklists following the release of a report calling for a uniform national approach to the notorious tenancy databases.

The working party report, commissioned in 2003 by the federal, state and territory governments, said residential tenancy databases were legitimate risk-management tools, provided they were operated fairly and lawfully.

The report rejected self-regulation but called for uniform legislation to regulate the databases.

Federal Attorney-General Philip Ruddock released the report this week, although it has been sitting with his department since March.

"The report is an important move towards improving tenant rights and providing greater clarity in the use of databases by landlords, real estate agents and property managers," Mr Ruddock said. "It also provides an opportunity to improve the privacy of Australians."

The working party was set up to investigate concerns that renters were being named on blacklists, often for minor breaches of leases.

NSW, Queensland and the ACT have introduced regulations on the way agents use the databases, while the Victorian government is yet to act on the April recommendation of



Doors are frequently closed on blacklisted renters.

Photo: ROB HOMER

its Law Reform Commission to restrict the circumstances under which tenants can be listed.

The working party recommended that listings be allowed only when a tenant owed more than the bond at the end of a tenancy or when a tribunal had made an eviction order based on major breach of duty by the tenant.

It also said tenants should have access to the lists and the ability to correct inaccurate information. In general, listings should expire after three years.

But the president of the Real Estate Institute of Australia, Tony Brasier, said there were some concerns that the proposed changes

might limit the effectiveness of the databases, say by preventing the listing of serial late payers.

"Not all bad tenants end up in the tribunal," Mr Brasier said.

"And by the time you go through the process of recovering a late payment, the tenant has often leased another premises."

Tenants Union of Victoria spokesman David Imber said the report would increase pressure on state governments to regulate the use of the databases.

But he was disappointed that the federal government seemed to place a low priority on tenants' rights at a time when rental vacancies were tight.