

5th February 2004

Eurobodalla Social Housing Forum

Residential Tenancy Database Working Party Consumer Policy Framework Unit Competition and Consumer Policy Division Department of the Treasury Langton Crescent
Canberra Act 2600

Dear Sir/Madam,

The Eurobodalla Social Housing Forum considers local housing needs and issues and provides the opportunity for information sharing and updates on social housing and broader tenancy and housing problems, particularly issues that could lead to homelessness. The Forum has active participation from a broad range of government and non government organisations working with those in need of long-term affordable housing.

Forum participating groups are working in the areas of mental health, community housing, disabilities, emergency housing, community services, state government housing, charitable organisations, youth and aged services and legal advice services.

The work of these diverse groups in the Social Housing Forum is to identify and address causes of homelessness and develop strategies to find long term solutions to the regions housing need. The Eurobodalla is a rural area with huge stresses on its' very limited housing stock. Forum members are very concerned about the extra disadvantage caused to people in housing crisis by the operation of Residential Tenancy Databases (RTD's) and wish to make the following points:

Common problems with RTD's include:-

.Lack of information on RTD listings for tenants
.No ability to check if the information held about tenants is correct
.No process to remedy problems by paying monies owed, once amounts have been verified .No process to correct information if it is found to be inaccurate .No clear process for removal of listing once remedy is made.

Most workers in contact with tenants report that many of those in rental premises express genuine fear of being listed on a tenant database. Tenants who have legitimate complaints and possible claims against their landlord, regularly outline their concerns about pursuing their grievance for fear of being listed on a tenant database.

The members of the Eurobodalla Social Housing Forum believe RTDs need independent comprehensive legislation for the following reasons:-

- 1) The overwhelming impact on tenants of actual and potential abuse of the RTDs warrants strenuous, independent legislation with associated independent adjudication of disputes and imposition of penalties for breaches.
- 2) Tenants can be made permanently homeless by being listed on a RTD for even minor breaches or failure to pay monies at the end of a tenancy.
- 3) RTDs, are extensively used and the possibility of incorrect information being listed against tenants is ever present.
- 4) No monitoring mechanism exists that ensures that information used on RTDs is accurate.
- 5) No mechanism exists to provide remedies if RTD processes are misused.
- 6) RTDs are not sufficiently accessible to tenants and provide no mechanism for removing, amending or adding to information held on tenants.

The way forward for the operation of RTDs?

The Forum believes that Commonwealth legislative reform should be established that covers all operators, subscribers and tenant listings on RTDs.

The legislation reform should mean that tenants can only be listed on a RTD if:

- They are under a residential tenancy agreement.
- The tenancy has ended
- The tenant is aware of their listing and had an opportunity to correct or challenge the information
- The relevant Tribunals have made orders against the tenant for debt exceeding the tenants bond or serious and persistent breach
- All existing and new tenant listings should be available to the tenant, free of charge and without delay.

The legislative reform should also include:

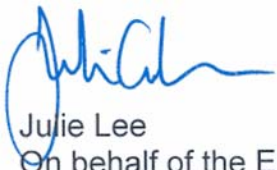
- Mechanisms to allow State based Tenancy Tribunals to make enforceable orders in relation to RTD operations, including penalties for legislative breaches;
- Mechanisms to clarify, remove or amend information about tenants held on RTDs.

In conclusion, legislative reform should be implemented urgently and made retrospectively to cover all existing tenants and new listings as tens of thousands of tenants are affected by the practices of RTDs.

Further, the coercive practices that can be associated with the operation of RTDs means tenants increasingly report feeling constrained in asserting their rights in the tenancy tribunals by the possibility of a RTD listing.

Thank you for considering the issues raised in this letter. Please do not hesitate to contact me if you require further information.

Yours sincerely,



Julie Lee

On behalf of the Eurobodalla Social Housing Forum