

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.3

Question No. 26

Senator Carr tabled the following question at the hearing on 31 October 2005:

- a) The Department advised that the Standing Committee of Attorneys-General (SCAG) would consider the report of the Residential Tenancy Database Working Party at its meeting of 3-4 November. What was the outcome of SCAG's consideration of the Working Party's report?
- b) When will the Ministerial Council of Consumer Affairs (MCCA) consider the Working Party's report?
- c) Will the Working Party's report be made public?
- d) Is it proposed that national regulations governing the operation of RTDs will be developed?
- e) If so, who is responsible for developing the regulations?
- f) Who will be consulted and what will the process be for consultation?
- g) What is the timeframe for development of the regulations and their consideration by SCAG and the MCCA?
- h) Please provide details of the states and territories that have enacted, or are in the process of developing, their own legislation in regard to RTDs since the issue of a nationally consistent framework was first considered by the Ministerial Council of Consumer Affairs in August 2003.

The answer to the honourable senator's question is as follows:

- a) Ministers noted the report of the joint Working Party on Residential Tenancy Databases (RTDs) and agreed that a Regulation Impact Statement (RIS) be circulated for approval. The RIS will assess the recommendations contained in the Working Party's report as well as several alternative courses of action. Ministers also agreed that officers will report back to Ministers at the first meeting of 2006 with a recommendation as to whether to pursue a uniform regulatory framework and proposals for any such framework. Ministers agreed that any recommendation accepted by Ministers should also be considered by the Ministerial Council on Consumer Affairs (MCCA).
- b) SCAG is due to consider the recommendation of officials at its first meeting of 2006. We are advised that this meeting is presently scheduled for mid-April 2006. If any recommendations are accepted by SCAG these will then be considered by MCCA. We are advised that the most likely date for this meeting is late April/early May 2006.
- c) The decision on whether to make the Working Party's report public will need to be taken by the members of SCAG and MCCA. SCAG and MCCA have not considered this issue.
- d) See answer to part (a).

e) If required, Ministers will decide upon the process for carrying forward any recommendations accepted by MCCA and SCAG at a later date.

f) See answer to part (e).

g) See answers to part (a) and part (e).

h) In 2004, the New South Wales Government enacted the *Property, Stock and Business Agents Amendment (Tenant Databases) Regulation 2004* that specifies rules of conduct that agents and on site residential property managers (and their employees) must abide by when using a tenant database.

In 2005, the *Residential Tenancy Amendment Act 2005* has been passed by the ACT Legislative Assembly. Upon commencement, the Act will amend the *Residential Tenancies Act 1997*. The new legislative system will be based on the Queensland model. The Queensland *Residential Tenancy Act 1994* was amended in 2003 and since that time has regulated what information can be listed on an RTD.