

# SUBMISSION

**TO | Consumer and Business Services**

**TOPIC | Submission in response to draft Residential  
Tenancies (Provision of Information)  
Amendment Regulations 2024**

**DATE | 8 February 2024**

## Submission in response to draft *Residential Tenancies (Provision of Information) Amendment Regulations 2024*

Uniting Communities is grateful for the opportunity to provide feedback on the draft ***Residential Tenancies (Provision of Information) Amendment Regulations 2024***. The inclusion of these provisions will provide safeguards for prospective tenants against inappropriate and unreasonable information requests that may discriminate against them and invade their privacy.

We are broadly supportive of the Amendment Regulations but seek to provide feedback on improvements that can be made.

### Key recommendations

- Section 6A (b) should include sections from both *division 2 – Termination by the landlord* and *division 3 – Termination by the tenant* from the *Residential Tenancies Act 1995*. This would make section 6A (b) comprehensive and ensure that all information regarding the notice to terminate and how the tenancy ended are private. Currently, a person (landlord/agent) can still ask the prospective tenant if they themselves ended the lease for example, which could result in discrimination.
- Section 6A (n) (ii) be reworded to also include the reason the prospective tenant left or is no longer at the previous residential tenancy. Under the current wording a person could still ask the prospective tenant why they are no longer in the previous tenancy agreement which could create discrimination.
- Section 6A (1) (e) should also include whether the prospective tenant has been in other forms of social housing including community housing rather than solely public housing.
- Section 6A (g) is reworded for clarity as it is currently ambiguous. It is our understanding that currently information such as credit card debt and bankruptcy could still be sought when this information could be considered discriminatory as it does not affect the prospective tenant's current ability to pay rent. For example, 'financial practices' could be defined here.
- That section 6A (3) is reconsidered because most of the information prescribed in 6A (1) should apply to any type of housing including community housing providers and the other listed entities. Although some additional information is required for eligibility requirements for certain social housing providers, aspects such as bond history, Tribunal history, notice of termination, expenditure, medical records, social media etc. that are listed in 6A (1) are not applicable to an application for social housing and are discriminatory.
- Section 6A (5) should also be reconsidered given more than 2 documents for each category in section (4) (b) could be considered excessive for all housing types including community housing.
- We believe section 6A (i) and section (7) could be reworded for clarity. It is unclear whether characteristics under the *Equal Opportunity Act 1984* (such as marital status and religious belief) can still be sought if it is done so without discrimination. If these attributes can still be requested from a prospective tenant, it is possible for discrimination to occur.
- It remains unclear whether other attributes such as visa status and student information (e.g. course or student ID number) are covered in the current provisions as this information is requested in applications.

## Additional comments

- We support the addition of section 4 (b) that prospective tenants cannot be required to provide more than two documents in each of the listed categories to prevent an excessive amount of documentation from being requested.
- Section 6A (1) (a) will ensure that prospective tenants are not discriminated against based on any previous Tribunal proceedings.
- Section 6A (c) and (d) are important protections against discrimination based on bond history.
- Section 6A (4) (a) is positive as it will discourage the soliciting of rent bidding.
- Section 6A (g) is important to prevent information being sought on prospective tenants' expenditure.

It is unclear whether section 6A (1) (h) will limit engagement with a prospective tenant's employer. We remain concerned about the lack of safeguards in place to limit what information people (landlord/agent) can request from the prospective tenant's employer. Some information provided by the employer could be considered irrelevant and discriminatory such as commentary on work performance.

In addition, we recommend the production of a standardised application form with set questions that can be asked to a prospective tenant. This would eliminate the possibility for new invasive questions and information requests being sought from prospective tenants that are not included in *Residential Tenancies (Provision of Information) Amendment Regulations 2024*.

## Conclusion

We are broadly supportive of the inclusions in the ***Residential Tenancies (Provision of Information) Amendment Regulations 2024***. These provisions will provide vital protections against discrimination for prospective tenants.