

**For immediate release**  
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## **Tenancy blacklist rights welcomed**

The Tenants Union of Victoria welcomes the commencement next week of new legal protections for tenants against inaccurate or out of date tenancy blacklist entries. Residential tenancy databases are electronic databases that contain information about tenants and their rental history.

“From 1 September 2011 real estate agents will be required to inform tenants that they use a tenancy database and only make listings in certain circumstances. Tenants will have the right to challenge an unfair or out of date listing at VCAT” said Toby Archer, Tenants Union spokesperson.

“The absence of regulation has resulted in many tenants being unfairly excluded from rental housing. Until the commencement of these laws there have been no regulations specifying what information can be listed, the reasons for making an adverse listing and how long a listing can be stored” said Mr Archer.

“Many tenants have been listed for trivial or malicious reasons. Some have listings from many years ago which have prevented them from accessing rental housing. Because there has been no independent adjudication, tenants have been forced to endure this unfair treatment without any recourse” said Mr Archer.

The new Part 10A of the Residential Tenancies Act requires that:

1. Listings can only occur in certain circumstances including when the tenancy has ended and there has been a specific breach which either results in a debt that is more than the bond or a possession order.
2. Listings can only remain on a database for a maximum of 3 years.
3. Listings must be removed if the debt was paid within 3 months of the amount becoming due or a VCAT order has been revoked.
4. Agents and landlords must notify a prospective tenant that a database check will occur, which database will be used and notify the tenant when a listing has been found.
5. Agents and landlords must instruct database operators to amend or remove a listing where the listing is inaccurate, ambiguous or out of date.

If the above does not occur a tenant may seek remedies including VCAT orders for prohibition, removal or amendment of a listing. Tenants are urged to seek advice from the Tenants Union or Consumer Affairs Victoria on database listings.