



Queensland

Residential Tenancies and Rooming Accommodation Amendment Bill 2011



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2011

A Bill

for

***An Act to amend the Residential Tenancies and Rooming
Accommodation Act 2008 for particular purposes***

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Residential Tenancies and Rooming Accommodation Amendment Act 2011</i> .	3 4
Clause 2	Commencement	5
	This Act commences on a day to be fixed by proclamation.	6
Clause 3	Act amended	7
	This Act amends the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> .	8 9
Clause 4	Amendment of s 445 (Power to require information from certain persons)	10 11
	(1) Section 445(1)(a), after ‘committed’—	12
	<i>insert—</i>	13
	‘(the <i>suspected offence</i>)’.	14
	(2) Section 445(1)(b), ‘offence’—	15
	<i>omit, insert—</i>	16
	‘suspected offence’.	17
	(3) Section 445(2), ‘offence’—	18
	<i>omit, insert—</i>	19
	‘suspected offence’.	20
	(4) Section 445(4), penalty, ‘10’—	21
	<i>omit, insert—</i>	22
	‘15’.	23
	(5) Section 445(5) and (6)—	24

omit, insert—

‘(5) If the nominated person is an individual, it is a reasonable excuse for the nominated person not to comply with the requirement if complying with the requirement might tend to incriminate the nominated person.

‘(6) The nominated person does not commit an offence against subsection (4) if—

- (a) the information sought by the authorised person is not in fact relevant to the suspected offence; or
- (b) the suspected offence is not proved to have been committed.’.

Clause 5 Replacement of ch 9 (Tenancy databases)

Chapter 9—

omit, insert—

‘Chapter 9 Tenancy databases

‘Part 1 Preliminary

‘457 Definitions for ch 9

‘In this chapter—

database means a system, device or other thing used for storing information, whether electronically or in some other form.

database operator means an entity that operates a tenancy database.

inaccurate, in relation to personal information in a tenancy database, includes information that is inaccurate because—

- (a) the information indicates that the person owes a lessor an amount that is more than the prescribed amount for a residential tenancy agreement; and

[s 5]

- (b) the amount owed was paid to the lessor more than 3 months after the amount became due. 1
2
- Note—* 3
- If the amount is paid to the lessor within 3 months after the amount became due, the information would be out of date. See definition *out of date*, paragraph (a). 4
5
6
- list***, personal information in a tenancy database— 7
- (a) means— 8
- (i) enter the personal information into the database; or 9
- (ii) give the personal information to a database operator or someone else for entry into the database; and 10
11
12
- (b) includes amend personal information about a person in the database to include additional personal information about the person. 13
14
15
- out of date***, in relation to personal information in a tenancy database, means the information is no longer accurate because— 16
17
18
- (a) for a listing made on the basis the person owes a lessor an amount that is more than the prescribed amount for a residential tenancy agreement—the amount owed was paid to the lessor within 3 months after the amount became due; or 19
20
21
22
23
- (b) for a listing made on the basis the tribunal has made an order terminating a residential tenancy agreement—the order has been revoked following a review of the making of the order. 24
25
26
27
- personal information*** means information (including an individual's name) or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. 28
29
30
31
- prescribed amount***, for a residential tenancy agreement, means the amount of the rental bond being held for the agreement plus the amount stated for a tenancy guarantee, if any, applying to the agreement. 32
33
34
35

-
- Note—* 1
- See section 180 for information about tenancy guarantees. 2
- tenancy database*** means a database— 3
- (a) containing personal information— 4
- (i) relating to, or arising from, the occupation of 5
residential premises under a residential tenancy 6
agreement; or 7
- (ii) entered into the database for reasons relating to, or 8
arising from, the occupation of residential 9
premises under a residential tenancy agreement; 10
and 11
- (b) with an intended purpose of use by lessors or agents of 12
lessors for checking a person’s tenancy history for 13
deciding whether a residential tenancy agreement 14
should be entered into with the person. 15

‘458 Application 16

- ‘(1) This chapter does not apply to— 17
- (a) a tenancy database kept by an entity (including a 18
department) for use only by that entity or its officers, 19
employees or agents; or 20
- (b) a tenancy database kept by a department for 1 or more of 21
the following purposes— 22
- (i) the provision of accommodation by the department 23
or another entity under a government employee 24
housing scheme; 25
- (ii) the provision of accommodation assistance by the 26
department or another entity under an affordable 27
housing scheme; 28
- (iii) the provision of approved supported 29
accommodation by the department or another 30
entity; 31
- (iv) a purpose directly related to a purpose mentioned 32
in subparagraph (i), (ii) or (iii). 33

-
- | | | |
|------|--|----------------------------------|
| (i) | the person owes the lessor an amount that is more than the prescribed amount for the residential tenancy agreement; or | 1
2
3 |
| (ii) | the tribunal has made an order terminating the residential tenancy agreement; and | 4
5 |
| (d) | the personal information— | 6 |
| (i) | relates only to the breach; and | 7 |
| (ii) | is accurate, complete and unambiguous. | 8 |
| | <i>Note—</i> | 9 |
| | If the person disputes the making of the listing, or has concerns about its accuracy, completeness or clarity, the person may apply to the tribunal for an order about the listing under part 3. | 10
11
12 |
| ‘(2) | Without limiting subsection (1)(d)(ii), the personal information must indicate the nature of the breach. | 13
14 |
| | <i>Examples of how personal information can indicate nature of breach—</i> | 15 |
| | <ul style="list-style-type: none"> • including the words ‘rent arrears’ in personal information about a person who has breached a residential tenancy agreement by failing to pay rent • including the words ‘damage to premises’ in the personal information about a person who has breached a residential tenancy agreement by damaging premises | 16
17
18
19
20
21 |
| ‘(3) | If a lessor, lessor’s agent or database operator contravenes subsection (1)(a), the lessor, agent or operator commits an offence. | 22
23
24 |
| | Maximum penalty—20 penalty units. | 25 |
| ‘(4) | A proceeding for an offence against subsection (3) may be started in relation to a listing even if an application to the tribunal for an order about the listing has been made under part 3. | 26
27
28
29 |
| ‘(5) | An application to the tribunal for an order about a listing may be made under part 3 even if a proceeding for an offence against subsection (3) in relation to the listing has been started. | 30
31
32
33 |
-

[s 5]

- ‘460 Further restriction on listing** 1
- ‘(1) A lessor, lessor’s agent or database operator must not list 2
personal information about a person in a tenancy database 3
unless the lessor, agent or operator— 4
- (a) has, without charging a fee— 5
- (i) given the person a copy of the personal 6
information; or 7
- (ii) taken other reasonable steps to disclose the 8
personal information to the person; and 9
- (b) has given the person at least 14 days to review the 10
personal information and make submissions— 11
- (i) objecting to its entry into the database; or 12
- (ii) about its accuracy, completeness and clarity; and 13
- (c) has considered any submissions made. 14
- Note—* 15
- If the lessor, lessor’s agent or database operator contravenes this 16
subsection, the person may apply to the tribunal for an order about the 17
contravention under section 462. 18
- ‘(2) Subsection (1) does not apply if the lessor, lessor’s agent or 19
database operator can not locate the person after making 20
reasonable enquiries. 21
- ‘(3) Subsection (1)(b) and (c) do not apply— 22
- (a) to information that, at the time of the listing, is 23
contained in publicly available court or tribunal records; 24
or 25
- (b) to a listing involving only an amendment of personal 26
information about a person under section 464G. 27
- ‘(4) A database operator does not contravene subsection (1) if— 28
- (a) the operator lists personal information about a person in 29
a tenancy database on the instructions of a lessor or 30
lessor’s agent; and 31
- (b) the lessor or agent has complied with subsection (1) in 32
relation to the personal information. 33

‘Part 3	Disputes about listing etc.	1
‘461	Application to tribunal about proposed listing	2
‘(1)	A person (the <i>tenant</i>) who is aware of a proposed listing by a lessor or lessor’s agent of personal information about the tenant on a tenancy database may apply to the tribunal for an order under this section.	3 4 5 6
‘(2)	The tribunal may—	7
	(a) order a person not to make the proposed listing; or	8
	(b) order a person not to make the proposed listing except with stated changes or on stated conditions; or	9 10
	(c) make another order it considers appropriate.	11
‘(3)	The tribunal may make the order only if it is satisfied that, if the proposed listing were made, the tribunal could make an order about the listing under section 462 or 463.	12 13 14
‘462	Application to tribunal about contravention of restriction	15 16
‘(1)	A person (the <i>tenant</i>) who claims there has been a contravention of section 459 or 460, relating to the listing of personal information about the tenant on a tenancy database, may apply to the tribunal about the contravention.	17 18 19 20
‘(2)	The application may only be made within 6 months after the tenant becomes aware of the contravention.	21 22
‘(3)	If the tribunal decides there has been a contravention, it may—	23 24
	(a) order a person to take stated steps to remedy the contravention; or	25 26
	(b) make another order it considers appropriate.	27
‘463	Application to tribunal about inaccurate etc. listing	28
‘(1)	A person (the <i>tenant</i>) whose personal information has been listed by a lessor, lessor’s agent or database operator on a	29 30

[s 5]

tenancy database may apply to the tribunal for an order under this section.	1 2
‘(2) The tribunal may order a person to take stated steps to—	3
(a) have the personal information about the tenant omitted from the database; or	4 5
(b) have stated changes made to the personal information about the tenant that is included in the database.	6 7
‘(3) The tribunal may make the order only if it is satisfied—	8
(a) the database includes personal information about the tenant that is inaccurate, incomplete, ambiguous or out of date; or	9 10 11
(b) the inclusion of the personal information about the tenant in the database is unjust in the circumstances, having regard to—	12 13 14
(i) the breach in relation to which the listing was made; and	15 16
(ii) the tenant’s involvement in the acts or omissions giving rise to the breach in relation to which the listing was made; and	17 18 19
(iii) the adverse consequences suffered, or likely to be suffered, by the tenant because of the listing; and	20 21
(iv) any other relevant matter.	22
<i>Examples for paragraph (b)—</i>	23
1 Personal information about Y is listed on a tenancy database because of a breach relating to damage caused to premises by Y’s spouse in the course of an incident of domestic violence. Because of the listing, Y can not obtain appropriate and affordable accommodation.	24 25 26 27 28
2 Personal information about Z is listed on a tenancy database because of a breach relating to an amount of rent that remained unpaid for over 3 months after it was payable. During that period, Z was in hospital recovering from a serious accident and unable to make arrangements for payment.	29 30 31 32 33 34

‘464 Application to tribunal about keeping personal information listed	1 2
‘(1) A person (the <i>tenant</i>) who claims a listing of personal information about the tenant is in a tenancy database in contravention of section 464J may apply to the tribunal for an order for the removal of the listing.	3 4 5 6
‘(2) If the tribunal decides the listing is in the tenancy database in contravention of section 464J, it may—	7 8
(a) order a person to remove the listing; or	9
(b) make another order it considers appropriate.	10
‘464A Declaration about tribunal orders	11
‘To remove any doubt, it is declared that the tribunal may make an order under this part against any person including the following—	12 13 14
(a) a database operator;	15
(b) a person who lists personal information about another person on a tenancy database.	16 17
‘464B Notifying relevant non-parties of tribunal order about listing	18 19
‘(1) This section applies if—	20
(a) under this part, the tribunal makes an order that a person (the <i>relevant person</i>) must, in relation to a tenancy database, take stated steps to—	21 22 23
(i) have personal information about another person omitted from the database; or	24 25
(ii) have stated changes made to personal information about another person that is included in the database; and	26 27 28
(b) the relevant person is not a party to the proceeding for the dispute.	29 30

[s 5]

‘(2) The tribunal must give a copy of the order to the relevant person. 1
2

‘(3) The tribunal complies with subsection (2) if the tribunal orders a party to the proceeding to give a copy of the order to the relevant person. 3
4
5

‘464C Offence of contravening tribunal order 6

‘(1) A person must comply with an order of the tribunal made under this part. 7
8

Maximum penalty—50 penalty units. 9

‘(2) An offence against subsection (1) is a continuing offence and may be charged in 1 or more complaints for periods the offence continues. 10
11
12

Maximum penalty for each day the offence continues after a conviction against subsection (1)—5 penalty units. 13
14

‘464D Order for compensation 15

‘(1) This section applies if a court convicts a person of an offence against section 464C. 16
17

‘(2) The court may also make an order requiring the convicted person to pay to a stated person, within a stated period, an amount the court considers appropriate as compensation for loss or damage caused by the relevant listing. 18
19
20
21

‘(3) The person who is entitled to payment under the order may enforce the order by filing with a court of competent jurisdiction— 22
23
24

(a) a copy of the order, certified as a true copy by the registrar of the convicting court; and 25
26

(b) an affidavit stating the amount remaining unpaid. 27

‘(4) The order is then enforceable as if it were an order of the court in which the copy and affidavit are filed. 28
29

‘Part 4	Other obligations about listing	1
‘464E Notice of usual use of database		2
‘(1) This section applies if—		3
(a) a person (the <i>applicant</i>) applies to a lessor, whether or not through the lessor’s agent, to enter into a residential tenancy agreement; and		4 5 6
(b) the lessor or, if the application is made through the lessor’s agent, the lessor or agent usually uses 1 or more tenancy databases for deciding whether a residential tenancy agreement should be entered into with a person.		7 8 9 10
‘(2) For subsection (1)(b), a lessor or lessor’s agent is taken to usually use a tenancy database for deciding whether a residential tenancy agreement should be entered into with a person if the lessor or agent has a tenancy database arrangement for the database.		11 12 13 14 15
‘(3) The lessor or agent must, when the application is made, give the applicant written notice of the following—		16 17
(a) the name of each tenancy database the lessor or agent usually uses, or may use, for deciding whether a residential tenancy agreement should be entered into with a person;		18 19 20 21
(b) that the reason the lessor or agent uses the tenancy database mentioned in paragraph (a) is for checking an applicant’s tenancy history;		22 23 24
(c) for each tenancy database mentioned in paragraph (a), how persons may contact the database operator who operates the database and obtain information from the operator.		25 26 27 28
Maximum penalty—20 penalty units.		29
‘(4) Subsection (3) applies in relation to a tenancy database whether or not the lessor or agent intends to use the database for deciding whether a residential tenancy agreement should be entered into with the applicant.		30 31 32 33

[s 5]

- ‘(5) However, the lessor or agent is not required to give the written notice mentioned in subsection (3) if a written notice stating the matters mentioned in the subsection was given to the applicant not more than 7 days before the application was made.

Example—

The lessor or agent gave a written notice stating the matters mentioned in subsection (3) to the applicant when the applicant obtained the application form and that happened less than 7 days before the applicant made the application.

- ‘(6) In this section—
tenancy database arrangement means an arrangement with an operator of a tenancy database providing for the use of the database for checking a person’s tenancy history.

‘464F Notice of listing if database used

- ‘(1) This section applies if—
- (a) a person (the *applicant*) applies to a lessor, whether or not through the lessor’s agent, to enter into a residential tenancy agreement; and
 - (b) the lessor or, if the application is made through the lessor’s agent, the lessor or agent uses a tenancy database for checking whether personal information about the applicant is in the database; and
 - (c) personal information about the applicant is in the database.
- ‘(2) The lessor or agent must, as soon as possible but within 7 days after using the tenancy database, give the applicant a written notice stating the following—
- (a) the name of the database;
 - (b) that personal information about the applicant is in the database;
 - (c) the name of each person who listed the personal information in the database;

(d) how and in what circumstances the applicant can have the personal information removed or amended under this chapter.	1 2 3
Maximum penalty—20 penalty units.	4
‘(3) However, subsection (2)(c) requires the written notice to state the name of a person only if the person is identified in the tenancy database as the person who listed the personal information in the database.	5 6 7 8
‘464G Ensuring quality of listing—lessor’s or agent’s obligation	9 10
‘(1) This section applies if a lessor or lessor’s agent who lists personal information in a tenancy database becomes aware that the information is inaccurate, incomplete, ambiguous or out of date.	11 12 13 14
‘(2) The lessor or agent must, within 7 days, give written notice of the following to the database operator who keeps the database—	15 16 17
(a) if the information is inaccurate, incomplete, or ambiguous—	18 19
(i) that the information is inaccurate, incomplete or ambiguous; and	20 21
(ii) how the information must be amended so that it is no longer inaccurate, incomplete or ambiguous;	22 23
<i>Example—</i>	24
A lessor lists, in a tenancy database, personal information about a tenant who owes the lessor an amount that is more than the prescribed amount for a residential tenancy agreement. The tenant pays the amount owed to the lessor more than 3 months after the amount became due. The lessor must, within 7 days after the lessor becomes aware of the payment, give the database operator who keeps the database written notice of—	25 26 27 28 29 30 31
(a) the personal information being inaccurate; and	32
(b) the details of the payment to be included in the personal information so that it is no longer inaccurate.	33 34

[s 5]

(b) if the information is out of date—that the information is out of date and must be removed. 1
2

Maximum penalty—20 penalty units. 3

Note— 4

If a tenancy database includes personal information about a person that is inaccurate, incomplete, ambiguous or out of date, the person to whom the information relates may apply to the tribunal for an order under section 463. 5
6
7
8

‘(3) The lessor or agent must keep a copy of the written notice for 1 year after it was given under subsection (2). 9
10

Maximum penalty—20 penalty units. 11

‘(4) Subsections (2) and (3) do not apply if— 12

(a) the information is inaccurate, incomplete, or ambiguous but not out of date, and, within the 7 day period mentioned in subsection (2), the lessor or agent amends the information so that it is no longer inaccurate, incomplete or ambiguous; or 13
14
15
16
17

(b) the information is out of date, and the lessor or agent removes the information from the database within the 7 day period mentioned in subsection (2). 18
19
20

**‘464H Ensuring quality of listing—database operator’s obligation 21
22**

‘(1) This section applies if a lessor or lessor’s agent who has listed personal information about a person in a tenancy database gives the database operator who operates the database a written notice stating that the personal information must be— 23
24
25
26

(a) amended in a stated way to make it accurate, complete and unambiguous; or 27
28

(b) removed. 29

‘(2) The database operator must amend the personal information in the stated way, or remove the personal information, within 14 days after the operator is given the written notice. 30
31
32

Maximum penalty—40 penalty units. 33

‘464I Providing copy of personal information listed	1
‘(1) A lessor or lessor’s agent who lists personal information about a person in a tenancy database must, if asked in writing by the person, give the person a copy of the information within 14 days after the request is made.	2 3 4 5
Maximum penalty—20 penalty units.	6
‘(2) A database operator must, if asked in writing by a person whose personal information is in the tenancy database kept by the operator, give the person a copy of the information within 14 days after the request is made.	7 8 9 10
Maximum penalty—20 penalty units.	11
‘(3) If a lessor or lessor’s agent charges a fee for giving personal information under subsection (1), or a database operator charges a fee for giving personal information under subsection (2), the subsection applies only if the fee has been paid.	12 13 14 15
‘(4) Subsection (3) applies only if the fee charged complies with subsection (5).	16 17
‘(5) A fee charged by a lessor or lessor’s agent for giving personal information under subsection (1), or by a database operator for giving personal information under subsection (2)—	18 19 20
(a) must not be excessive; and	21
(b) must not apply to lodging a request for the information.	22
 ‘464J Keeping personal information listed	 23
‘(1) A database operator must not keep personal information about a particular person in the operator’s tenancy database for longer than—	24 25 26
(a) 3 years; or	27
(b) if, under the national privacy principles, the operator of the database is required to remove the personal information before the end of the 3-year period mentioned in paragraph (a)—the period ending when the information must be removed under the national privacy principles.	28 29 30 31 32 33

[s 6]

Note—

If the database operator contravenes this section, the person may apply to the tribunal for an order about the contravention under section 464.

(2) However, a database operator may keep the person’s name in the operator’s tenancy database for longer than the period stated in subsection (1)(a) or (b) if—

(a) other personal information about the person in the database is attached to the name; and

(b) the other personal information is not required to be removed under subsection (1) or another law.

(3) This section does not limit the operation of another provision of this chapter or a provision of another law that requires the removal of the personal information.

(4) In this section—

national privacy principles means the principles stated in the *Privacy Act 1988* (Cwlth), schedule 3.’.

Clause 6 Amendment of s 480 (Application of Financial Administration and Audit Act)

(1) Section 480, heading, ‘Financial Administration and Audit Act’—

omit, insert—

‘Financial Accountability Act 2009’.

(2) Section 480, ‘*Financial Administration and Audit Act 1977*’—

omit, insert—

‘Financial Accountability Act 2009’.

Clause 7 Amendment of s 499 (Employing office is statutory body)

(1) Section 499(1)(a), ‘*Financial Administration and Audit Act 1977*’—

omit, insert—

‘Financial Accountability Act 2009’.

-
- (2) Section 499(2)— 1
omit, insert— 2
- ‘(2) For applying the *Financial Accountability Act 2009* to the 3
employing office as a statutory body— 4
- (a) the executive officer is taken to be the chairperson of the 5
employing office; and 6
- (b) the *Financial Accountability Act 2009* is taken to require 7
the executive officer to consider the annual financial 8
statements and the auditor-general’s report as soon as 9
practicable after they are received by the employing 10
office; and 11
- (c) the *Financial Accountability Act 2009* is taken to require 12
the executive officer to consider any observations, 13
suggestions or comments given to the executive officer 14
under the *Auditor-General Act 2009* as soon as 15
practicable after the executive officer receives them.’. 16

Clause 8 Insertion of new s 509A 17

Chapter 12, part 2— 18

insert— 19

‘509A Copy of personal information in a tenancy database 20

- ‘(1) This section applies to a document that is, or purports to be, a 21
copy of personal information about a person (the *tenant*) in a 22
tenancy database given by a lessor, lessor’s agent or database 23
operator— 24
- (a) to an authorised person, under section 445; or 25
- (b) to the tenant, under section 464I. 26
- ‘(2) In a proceeding for an offence against this Act or a proceeding 27
before the tribunal under chapter 9, part 3, the document is, 28
upon its production in the proceeding, evidence of the 29
personal information about the tenant listed on the tenancy 30
database when the document was given to the authorised 31
person or tenant. 32

[s 9]

‘(3) In this section, a term used in this section and defined in section 457 has the meaning it has under section 457.’. 1
2

Clause 9 Amendment of ch 14, pt 2, hdg (Savings and transitional provisions) 3
4
Chapter 14, part 2, heading, after ‘provisions’— 5
insert— 6
‘for Act No. 73 of 2008’. 7

Clause 10 Insertion of new ch 14, pt 3 8
Chapter 14— 9
insert— 10

‘Part 3 Savings and transitional provisions for Residential Tenancies and Rooming Accommodation Amendment Act 2011 11
12
13
14
15

‘553 Definitions for pt 3 16
‘In this part— 17
amending Act means the *Residential Tenancies and Rooming Accommodation Amendment Act 2011*. 18
19
commencement means the commencement of this section. 20
existing listing means personal information in a tenancy database at the commencement. 21
22
pre-amended Act means this Act as in force before the commencement. 23
24
this Act means this Act as in force after the commencement. 25

‘554	Meaning of particular terms	1
	‘In this part, a term used in this part and defined in section 457 of this Act has the meaning it has under that section.	2 3
‘555	Listings proposed to be made before commencement	4
	‘(1) This section applies if—	5
	(a) before the commencement, a person (the <i>listing person</i>) proposing to list personal information about another person (the <i>tenant</i>) in a tenancy database gave, under section 459 of the pre-amended Act, the tenant written notice about the personal information; and	6 7 8 9 10
	(b) at the commencement, the listing person has not listed the personal information about the tenant in the tenancy database (with or without variation).	11 12 13
	‘(2) Section 459 of the pre-amended Act continues to apply in relation to the listing as if the amending Act had not been enacted.	14 15 16
	‘(3) To remove any doubt, it is declared that sections 459 and 460 of this Act do not apply in relation to the listing.	17 18
‘556	Applications for tribunal orders relating to existing proposed listings	19 20
	‘(1) This section applies if—	21
	(a) a person (the <i>tenant</i>) became aware of a proposed listing by a lessor or lessor’s agent of personal information about the tenant on a tenancy database before the commencement; and	22 23 24 25
	(b) at the commencement, the tenant has not made an application under section 462 of the pre-amended Act.	26 27
	‘(2) Section 461 of this Act applies in relation to the proposed listing.	28 29
	‘(3) Despite section 461(3) of this Act, the tribunal may make an order under section 461 of this Act only if it is satisfied that it could have made an order about the listing under section 462	30 31 32

[s 10]

	of the pre-amended Act if the amending Act had not been enacted.	1 2
'557	Applications for tribunal orders relating to listings under pre-amended Act in contravention of pre-amended Act	3 4 5
	'(1) This section applies to an existing listing, or a listing to which section 555 applies, about a person (the <i>tenant</i>) if the tenant claims there has been a breach of section 459 of the pre-amended Act in relation to the listing.	6 7 8 9
	'(2) The tenant may, in relation to the listing, apply to the tribunal for an order under section 462 of this Act as if the reference to a contravention of section 459 or 460 were a reference to a contravention of section 459 of the pre-amended Act.	10 11 12 13
'558	Applications for tribunal orders relating to listings under pre-amended Act that are unjust or incorrect	14 15
	'Section 463 of this Act applies in relation to—	16
	(a) an existing listing; and	17
	(b) a listing to which section 555 applies.	18
'559	Existing applications to tribunal	19
	'(1) This section applies to an application to the tribunal under section 460, 461 or 462 of the pre-amended Act that has not been decided at the commencement.	20 21 22
	'(2) The tribunal must hear, or continue to hear, and decide the application under the pre-amended Act.	23 24
	'(3) For subsection (2), the pre-amended Act continues to apply as if the amending Act had not been enacted.	25 26
	'(4) For giving effect to a decision under subsection (3), the tribunal may make the orders it considers necessary having regard to the provisions of this Act and the pre-amended Act.	27 28 29
	'(5) If the tribunal makes an order under the pre-amended Act as provided under subsection (3), the order is taken to be an	30 31

order of the tribunal under the following provision of this Act—	1 2
(a) for an order under section 460 of the pre-amended Act—section 462;	3 4
(b) for an order under section 461 of the pre-amended Act—section 463;	5 6
(c) for an order under section 462 of the pre-amended Act—section 461.	7 8
‘560 Particular existing tribunal orders	9
‘(1) This section applies to an order of the tribunal made under section 460, 461 or 462 of the pre-amended Act if, at the commencement, the time for complying with the order has not passed.	10 11 12 13
‘(2) At the commencement, the order is taken to be an order of the tribunal under the following provision of this Act—	14 15
(a) for an order under section 460 of the pre-amended Act—section 462;	16 17
(b) for an order under section 461 of the pre-amended Act—section 463;	18 19
(c) for an order under section 462 of the pre-amended Act—section 461.	20 21
‘561 Orders for compensation	22
‘Section 464 of the pre-amended Act continues to apply in relation to an offence against section 463 of the pre-amended Act as if the amending Act had not been enacted.	23 24 25
‘562 Application of s 464G to existing listings	26
‘Section 464G of this Act applies in relation to an existing listing if the lessor or lessor’s agent who made the listing becomes aware that the listing is inaccurate, incomplete, ambiguous or out of date after the commencement.	27 28 29 30

[s 11]

‘563	Application of s 464H to existing listing	1
	‘Section 464H of this Act applies in relation to an existing listing if the lessor or lessor’s agent who made the listing gives the written notice mentioned in the section after the commencement.	2 3 4 5
‘564	Keeping existing listing in database	6
	‘(1) Subject to subsection (3), section 464J of this Act applies to personal information about a particular person that is in a tenancy database at the commencement.	7 8 9
	‘(2) Subsection (3) applies to the following—	10
	(a) personal information about a particular person that, at the commencement, has been in a tenancy database for longer than 3 years;	11 12 13
	(b) personal information about a particular person that, within 1 year after the commencement, will have been in a tenancy database for 3 years.	14 15 16
	‘(3) Section 464J of this Act applies in relation to the personal information as if—	17 18
	(a) the reference to 3 years in section 464J(1)(a) were a reference to the prescribed period for the personal information; and	19 20 21
	(b) the reference to the 3-year period in section 464J(1)(b) were a reference to the prescribed period for the personal information.	22 23 24
	‘(4) In this section—	25
	<i>prescribed period</i> , for personal information about a particular person in a tenancy database, means the period—	26 27
	(a) starting when the personal information was entered in the tenancy database; and	28 29
	(b) ending 1 year after the commencement.’.	30
Clause 11	Amendment of sch 2 (Dictionary)	31
	(1) Schedule 2, definition <i>list</i> —	32

<i>omit.</i>	1
(2) Schedule 2—	2
<i>insert—</i>	3
<i>‘amending Act</i> , for chapter 14, part 3, see section 553.	4
<i>commencement</i> , for chapter 14, part 3, see section 553.	5
<i>database</i> , for chapter 9, see section 457.	6
<i>database operator</i> , for chapter 9, see section 457.	7
<i>existing listing</i> , for chapter 14, part 3, see section 553.	8
<i>inaccurate</i> , in relation to personal information in a tenancy database, for chapter 9, see section 457.	9 10
<i>list</i> , personal information in a tenancy database, for chapter 9, see section 457.	11 12
<i>out of date</i> , in relation to personal information in a tenancy database, for chapter 9, see section 457.	13 14
<i>pre-amended Act</i> , for chapter 14, part 3, see section 553.	15
<i>prescribed amount</i> , for chapter 9, see section 457.	16
<i>this Act</i> , for chapter 14, part 3, see section 553.’.	17