

## Tenancy databases

### Tenancy database listings

Tenancy databases are legitimate tools that give lessors a means of protecting their property investments. However unfair listings have occurred in the past. Queensland laws about tenancy database listings set out who, when, and under what circumstances a person can be listed. They also allow the [Queensland Civil and Administrative Tribunal](#) (QCAT) to hear and resolve disputes resulting from both proposed and existing listings.

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) provides protection against incorrect and unfair listings while recognising the lessor's right to take reasonable steps to protect their property.

### Who can be listed?

Only tenants named on the tenancy agreement can be listed on a tenancy database. Approved or unapproved occupants, visitors or children cannot be listed. This is because only the named tenant/s are accountable for the rental property and have obligations under the tenancy agreement.

### When can a tenant be listed?

Tenants can only be listed on a database after the tenancy agreement has ended.

### What can a tenant be listed for?

A tenant named on the tenancy agreement can only be listed after the tenancy has ended in one of the following circumstances:

#### Amount owing

Tenants may be listed where the agreement has ended and the amount owing exceeds the rental bond, and:

- the money owed under a conciliation agreement or QCAT order is not paid on time, or
- they have been served with a [Notice to remedy breach \(Form 11\)](#) for rent arrears and have failed to remedy the breach, or
- after abandonment of the property, unless the dispute is currently subject to a QCAT determination.

Please note: If no rental bond has been paid a tenant cannot be listed unless the amount owing is more than 1 week's rent.

#### Objectionable behaviour

A tenant can be listed for objectionable behaviour where QCAT has terminated the tenancy agreement for that reason.

#### Repeated breaches

A tenant can be listed for repeated breaches where QCAT has terminated the tenancy agreement for that reason.

#### Domestic and family violence

QCAT can make an order that a person experiencing domestic and family violence must not be listed on a tenancy database where the breach is a result of the actions of a person using violence. The person using violence can be listed on the database.

### What must the listing person do before listing information about a person?

The listing person must not make a listing on a tenancy database unless they have advised the tenant in writing and given details about the proposed listing, or have taken reasonable steps to advise the tenant of the proposed listing. The tenant must be given a reasonable opportunity to consider the information that is going to be entered.

A tenant cannot be listed on a tenancy database for any reasons apart from those listed above.

## What can a tenant do about a listing?

If a tenant is aware of a proposed or existing listing and if they don't agree, they can:

- talk to the listing person and try to reach an agreement or, failing that,
- lodge a dispute resolution request using [RTA Web Services](#) or completing a [Dispute resolution request \(Form 16\)](#). The RTA's dispute resolution service can assist in attempting to negotiate an agreement about a listing, particularly about a proposed listing, or
- apply directly to QCAT to order the person, agency or tenancy database operator not to list, or vary the listing with certain changes and/or conditions as appropriate.

A dispute about a listing on the grounds it does not meet the approved criteria must be initiated within six months of the tenant becoming aware of the listing.

## What if the listing person doesn't do what QCAT ordered?

Any person or agency (including a tenancy database operator) not complying with a QCAT order can be prosecuted in the Magistrates Court and be charged up to 50 penalty units. They can also be fined up to 5 penalty units for each day the offence continues.

The current penalty value for an individual is \$161.30. The penalty unit amount is greater for corporations.

Tenants should contact the RTA to make a complaint.

## Is it possible to obtain compensation for listings?

If the person or agency (including a tenancy database operator) does not comply with a QCAT order about a listing and is subsequently convicted, the Magistrates Court may make an order for them to pay compensation to the person they listed. However, there would need to be clear evidence of damage or suffering as a result of the listing for compensation to be ordered.

## Accessing RTA forms

The RTA's forms can be obtained electronically or in person via:

- [rta.qld.gov.au](http://rta.qld.gov.au) • 1300 366 311 (Mon – Fri: 8:30am – 5:00pm) • Level 11, Midtown Centre, 150 Mary Street, Brisbane



**Other languages:** You can access a free interpreter service by calling the RTA on 1300 366 311 (Monday to Friday, 8:30am to 5:00pm).

### Further information

For more information contact the Residential Tenancies Authority.



[rta.qld.gov.au](http://rta.qld.gov.au)



[1300 366 311](tel:1300366311)



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### Disclaimer:

This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.

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