# Detailed Reference Guide 8: Rental provider non-compliance register

This reform starts on 29 March 2021.

**New requirements**

A new Rental Provider Non-compliance Register (the Register) for rental providers and agents will be established and maintained by the Director of Consumer Affairs Victoria (Director). Rooming house operators, caravan park owners, caravan owners and site owners, and their agents, can also be listed on the Register.

The Register may be kept in any form the Director considers appropriate.

The Director may publish the Register or any information it contains in any form or manner they consider appropriate.

A listing for the rental provider or their agent must be made in the Register if VCAT has made a compliance or compensation order against them in respect of a breach of duty under the Act, or if the rental provider or agent has been convicted of an offence under the *Residential Tenancies Act 1997*.

VCAT can order the Director not to make a listing in the Register for the rental provider or agent if it is satisfied that it would be unfair to make a listing in that case.

A listing on the Register must not be kept for more than 3 years.

### Information included in a listing

A listing must include the:

* rental provider’s name
* business name and address of the rental provider’s agent (if they have an agent)
* address of the rented premises
* date of the order made by VCAT and the section of the Act that the rental provider breached, or the date of conviction of an offence under the Act and the section of the Act the rental provider was convicted under, and
* any other information the Director decides is relevant to the VCAT order, conviction or finding of guilt.

### Rules for listing of personal information in the Register

Before the Director lists personal information about a person in the Register they must give, or take reasonable steps to give, that person a copy of the information.

The Director must give the person at least 14 days to object to the listing of their personal information on the Register or contest the information’s accuracy, completeness and clarity.

The Director must consider any objections made by the person before they list their personal information.

If the person cannot be found after making reasonable enquiries, the Director may list their personal information without giving them 14 days to object to the listing.

If the person’s personal information is contained in publicly available court or VCAT records, then the Director may list that personal information without giving the person 14 days to object to the listing.

### Applications to VCAT for removal or amendment of a listing

A person may apply to VCAT for an order prohibiting the Director from listing information or requiring the Director to amend or remove information about the person from the Register.

VCAT may make an order if satisfied that:

* the Director did not give the person at least 14 days to object to the listing of their personal information in the Register
* the information has been on the Register for longer than 3 years, or
* the information listed on the Register is incorrect.

VCAT may also order the Director to publish a statement declaring that the information on the Register was incorrect and has been corrected.

## Previous requirements

A rental non-compliance register did not exist under the previous version of the Act.

## Requiring further specification

The form of the Register is to be declared by the Director.

## Relevant legislation in the Residential Tenancies Act

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| 212(6) | Orders of Tribunal |
| Part 10B | Rental Non compliance Register (section 439O to 439U) |

Note: This was Reform 7 in the Fairer Safer Housing review.