



Inquiry Into Tenancy Databases

**Submission from
Shelter NSW**

January 2004

Shelter NSW

Shelter NSW is a community-based, State-wide, peak housing body which aims to advance the housing interests of low-income and disadvantaged people in NSW. It is also part of a national network of Shelter organisations in each State and Territory, and is a constituent member of National Shelter.

Shelter's vision is to work for a just and equitable housing system, where housing for all is a right, not a privilege.

Shelter's role is to:

- Promote a co-ordinated response within the community sector to housing issues affecting housing low-income and disadvantaged people;
- Work with and influence government and relevant community sector organisations so that they develop housing policies and programs which meet the needs of low-income and disadvantaged people;
- Increase public awareness of housing issues and support for adequate and sustainable responses;
- Research and develop responses to housing issues;
- Provide quality information, assistance and support to the community sector, members and other stakeholders.

Shelter has 112 organisational members and 37 individual members. Organisational membership includes specific-interest peak groups (e.g., tenants, youth, community housing, etc.), a wide range of housing providers, public and private tenant groups, local government councils, regional housing bodies, community services agencies, etc.

1. Introduction

Residential tenancy databases (RTDs) have established a widespread market for adverse information about tenants on the basis that this may minimise risk to landlords. However, the existence of such risk is not evident and the efficacy of the current databases to minimise any risk is completely unknown.

The risks associated with residential tenancy databases must be seen in the context of the overall housing market. For the low-income earners whom they affect most adversely, the housing situation is grim and getting grimmer:

- Housing costs have been outstripping increases in average weekly earnings and CPI for many years (increases of 40% in Sydney¹ over the last five years).
- More people are renting for extended periods - 40 percent of private tenants have been renting for the previous 10 years or more.
- Investment in private rental housing has been skewed to the top end of the market, with a steep decline in private rental stock for people at the bottom end of the market. There is now a shortage of 150,000 units of affordable private rental stock Australia-wide.²
- The Commonwealth Rent Assistance program (CRA) has failed to deliver housing affordability to a substantial percentage of social security beneficiaries. Over one third (35%) of all CRA recipients spend more than 30% of their income on rent, i.e., they are in housing stress on a generally accepted and conservative benchmark. Nearly one in 10 (9%) spend more than half their income on rent..³
- The Commonwealth Government has substantially reduced supply-side funding through the Commonwealth-State Housing Agreement (CSHA). In the ten years to 2003/04, expenditure on CRA increased by 7% in real terms to \$1.92b, while CSHA base-level funding decreased by 54% to \$1.28b. This has led Berry to comment that the latest Agreements have “removed the remnants of any general commitment to meeting the housing-related needs of low income and disadvantaged households”.⁴
- Public housing is unable to meet the demand for affordable housing for low-income earners. It has become increasingly targeted to people on pension or benefit with high levels of need, and it is now almost impossible in NSW at least to house people from the waiting list if they are unable to get priority listing on account of need.

¹ Sydney Morning Herald, 23/8/02.

² Affordable Housing National Research Consortium, 2001, *Affordable Housing in Australia: pressing need, effective solution - Policy options for stimulating private sector investment in affordable housing across Australia*, Affordable Housing National Consortium, n.p.; Yates, J., 2002, *A distributional analysis of the impact of direct and indirect housing assistance*, Australian Housing and Research Institute Sydney Research Centre.

³ National Shelter and Australian Council of Social Service, *Rent Assistance: Does it deliver affordability?*. See also Berry, Mike and Hall, John .2001, *Policy options for stimulating private sector investment in affordable housing across Australia: Stage 1 report – Outlining the need for action*, Affordable Housing National Consortium, p61.

⁴ Berry, M., *New Approaches to Expanding the Supply of Affordable Housing in Australia: An Increasing Role for the Private Sector*, positioning paper, Australian Housing and Urban Research Institute and RMIT Research Centre, 2001.

- Waiting lists for social housing have grown, and now stand at well over 90,000 applicants (households) in NSW alone. The proportion of social housing stock to overall stock increases is in decline, and growth rates for public housing are almost non-existent.
- Other cheap options for low-income earners – boarding houses, caravan parks and residential parks – are also in decline as they close down for profitable redevelopment or upgrading. It has been estimated that in the current year more than 2000 residential park sites in NSW were affected by such developments.⁵
- There is also clear evidence of discrimination in the private rental market against particular groups, e.g., on account of Aboriginality, age, disability, ethnicity, parental status and homosexuality and transgender status.⁶
- An increasingly sharp division between rich and poor has led overall (with some significant exceptions) to a spatial separation of low-income families living in lower-cost, often overcrowded, poor quality housing, isolated from services, employment and transport. Increasingly, these families must rely on the private rental market.
- The last two censuses have classified 100,000 people in Australia as homeless.

The effect of the factors above is to dramatically skew the balance of power in favour of private landlords – who have a scarce resource to dispense – within the housing contract. For many Australians with limited financial resources, maintaining access to secure and affordable housing is a desperate struggle.

The greatest risk evident in the private rental market is market failure – the failure to provide sufficient affordable housing stock to provide access to those who need it. It is precisely the propensity of RTD operations to increase the risk of homelessness that provides the greatest challenge to social policy goals.

2. Impact

The operation of RTDs has inescapable consequences for people subject to listing: Housing providers refuse to rent to listed tenants, effectively excluding them from the private rental market and making homelessness a likely outcome.

In addition to the wealth of anecdotal evidence produced by tenancy bodies in a number of States, at least one survey (albeit limited) has been undertaken by the Tenancy Database Action Group in Queensland.⁷ This survey was taken during the week of 3 to 7 December 2001 to give a snapshot of the impact of tenancy databases on SAAP services and the people who use them. The Lavarch Report quotes this survey as concluding:

⁵ Connor, J., et al., *No Place for Home, The loss of permanent accommodation on NSW residential parks 2002*, NSW Combined Pensioners and Superannuants' Association, 2002, p.2.

⁶ Johnston, Craig, *Cash and Cowboys, Barriers for entry to private rental by disadvantaged consumers*, Council of Social Service of NSW, 1999, pp.27ff.

⁷ Quoted from Lavarch, Linda, *Report of Special Government Backbench Committee to inquire into the operation of tenancy databases*, Queensland Parliament, August, 2002, p.49. No doubt considerably further evidence will be provided when the final paper is produced by the Australian Housing and Urban Research Institute on tenancy databases. See the positioning paper, Barbara Adkins et al., *Tenancy Databases in the Context of Tenure Management: Risk minimisation and tenant outcomes in the private rental sector*, August, 2003.

- Nearly half of those who responded to the question whether they were listed on a tenancy database answered that they were;
- Of these, approximately 75% indicated that this was the primary cause of their homelessness;
- Most of the respondents were families, single parents or young people;
- Services were indicating that there was an increasing number of people accessing them because of database listing, with the large majority of services indicating that at least five people per week were accessing due to being listed.

Guthrie notes that the Community Rent Scheme on Queensland's Sunshine Coast reported that more than 50% of their clients were listed on a database – and this, indeed, resulted in the service's priority points system being adjusted to give listed people higher priority because they were effectively unable to find housing in the region because of the listing.⁸ And the Tweed Valley in northern NSW, the Tweed Interagency Group noted that services and agencies had reported difficulty finding other forms of housing outside the formal rental market for clients listed on databases, and some were thus becoming homeless.⁹

As the RTD operators have marketed their services, the impacts are evident in both metropolitan and regional areas and are increasing. A background paper on RTDs in NSW by Boswell and Warren¹⁰ noted that tenants' advice services in NSW assisted about 250 tenants with database problems per year. In addition, the NSW Privacy Commissioner handled over 80 cases in the first three quarters of 1999 and the Department of Fair Trading handled "a small number" of such enquiries. A Keys Young research report in 1998 into fair trading issues found that 1% of tenants who had started a tenancy in the previous two years had been refused a letting based on a database listing. The paper concludes:

With more than 1.5 million tenants in NSW, this problem might reasonably be estimated to adversely affect up to 7,500 tenants in any year.

As these reports reflect circumstances in the late 1990s, the situation in 2004 is likely to be considerably worse, given the rate of growth in RTDs over the past decade.

The effect of the operation of RTDs in terms of access to housing – recognised as a basic human right by the Commonwealth in its ratification of the International Covenant on Economic, Social and Cultural Rights – is positively catastrophic.

Where do people go if they are denied private rental housing by virtue of listing on a tenancy database? They are forced into more marginal housing, into seeking government and charity assistance or into homelessness. Some of the options are:

- Short-term and insecure housing in boarding houses (where they have no legal rights at all) or caravan parks (where they have at best limited rights, and in many cases no rights at all) – and in any event, these "opportunities" are in decline, quite apart from

⁸ Guthrie, Fiona, *Recommended Queensland Government Strategy Regarding Tenancy Databases*, Queensland Residential Tenancies Authority, 2002, p.18.

⁹ Adkins *et al.*, *op.cit.*, p.7

¹⁰ Boswell, L. and Warren, N., *Background Paper – Tenancy Databases in NSW*, for Property Services Advisory Council, nd.

the fact that at least some park owners and some boarding house owners subscribe to RTDs;

- Seeking accommodation in private rental housing directly managed by owners, who are not eligible to subscribe to RTDs, and who often have little knowledge of or concern for the requirements of residential tenancies legislation and who are also concerned to minimise costs and maximise returns, resulting in exploitation of tenants;
- Seeking access to public housing, which is increasingly difficult to obtain (and which is largely restricted to people on pensions and benefits who **also** have high and complex levels of need) unless they can prove some entitlement to priority consideration, and even if this is granted, they may still face considerable waiting periods;
- Staying with friends, even if this requires splitting up families;
- Trying to get access to refuges, which are already under intense pressure, and which are short-term, and exit housing is already a major problem; or
- Sleeping rough.

On the one hand, it is a clear policy imperative that people have access to secure, affordable housing; on the other hand, government policies of minimal interference in the operations of the market are leading to people being denied housing through the operations of RTDs.

In this context the claims that database operations reduce risk in housing investment appear to lack sufficient evidence to justify the risks to privacy and housing rights of tenants. Shelter NSW endorses the view of the Tenants' Union of Queensland, which describes the underlying question as

While it is irrefutable that investors have the right to use reasonable means to protect their investment, this right should not interfere with the reasonable right for tenants to access appropriate housing.¹¹

Accordingly, the question must be asked:

3. Do residential tenancy databases have a legitimate role to play?

Swapping adverse information about tenants in one form or another has been with us for a considerable length of time. The writer recalls working for tenants in the late 1970s and in the course of casework being made aware of informal systems, especially in country and regional areas. Real estate agents in a town would liaise informally and effectively ban tenants they perceived as erring or troublesome from obtaining rental housing in that town or district. However, Guthrie notes¹² that RTDs as we know them today essentially took their rise from two factors over the last decade or so:

- The development of information technology to a stage where databases could be easily developed to store and access personal information for relatively little cost; and

¹¹ Quoted in Lavarch, *op.cit.*, p.22.

¹² Guthrie, Fiona, *Recommended Queensland Government Strategy Regarding Tenancy Databases*, Queensland Residential Tenancies Authority, 2002.

- Introduction of the *Commonwealth Privacy Act* in 1988, which, under Part 111 restricted access to an individual's credit history solely to credit providers. Real estate agents were specifically prohibited from access to information on the credit history of individuals through the use of credit databases.

Most usually, RTDs characterise their rationale for operation as “risk management” and “risk minimisation”. Nevertheless, it is clear that a range of processes are operating:

- The coercive collection of information about tenants;
- The selling of information to consider in the assessment of tenancy applications;
- Deterrence of “problem tenants” from applying for housing through RTD members/subscribers;
- Deterrence of tenants from asserting rights or entering disputes with their landlords;
- Commercial motivation to increase the size of the database at the expense of accuracy, and “promote negative stereotypes of tenants and exaggerate the problems faced by lessors”¹³;
- Commercial motivation may also extend to the expansion by RTDs into other areas of business such as insurance, which in turn makes listing obligatory for property managers to receive insurance coverage;¹⁴
- Retaliatory listing.

What contribution RTDs make to risk management in the rental industry is unclear. Certainly careful selection of tenants is one factor, as is providing reasonable value in the rents charged, actively fulfilling the obligations of property-owner, such as repairs and respecting the privacy and rights of the tenant. Whether any of these is assisted by the information on Australian RTDs is completely unproven.

Risk is managed by good tenancy management practices, by maintaining appropriate insurance and other current arrangements. Tenants already provide substantial protection against loss to the landlord in the form of a financial bond. This bond system has proven to be effective and efficient in NSW and elsewhere.

In addition, landlords can access low cost dispute resolution where they feel a tenancy agreement has been breached. In fact, landlords have been the majority of applicants to the Residential Tribunal in NSW, every year since its inception.

The fact that the Tribunal is easily accessed by landlords and has a record of effective dispute resolution would also militate against a justification for RTDs. The high level of information gathered by RTD operators, who claim to have listings on over half a million tenants, is completely at odds with the evident level of ‘risk’ to landlords. RTD operators have a commercial motivation to maximise the number of names on their database, regardless of the quality of the information. Some operators also use disputes about their information to exact prohibitive fees from vulnerable, often innocent, tenants – the TICA phone line being the most notorious example.

Other abuses inherent in RTDs currently include:

¹³ Tenants' Union of Queensland quoted in Lavarch, *op. cit.*, p. 22

¹⁴ For a discussion of the whole question of insurance, and the problems it presents, see Lavarch, *ibid.*, p.28.

- listings for vexatious, trivial or malicious reasons;
- incorrect listings;
- listings maintained for indefinite periods of time, even after breaches have been remedied (e.g., payment of monies owed);
- people not told they have been listed, and given little or no chance to correct or remove wrong listings;
- difficulty and expense for tenants in getting access to listings;
- people driven out of the rental market sometimes without knowing or discovering only accidentally that they have been listed;
- lack of avenues for resolution of disputes;
- no mechanisms for checking the accuracy of listings;
- no redress or compensation in the event of wrongful listing.

The introduction of the Commonwealth *Privacy Act 1988* has brought some order into part of the operations of RTDs, but the complaints process under the Act is cumbersome and expensive and beyond the capacity or resources of most tenants to undertake, particularly while housing-stressed. In the States and Territories, only Queensland has undertaken legislation that addresses these issues and NSW is currently considering regulation that addresses some of the same issues.

For the management of risk to legitimise RTDs would require significantly more evidence than is now available. The available evidence is that RTDs inflict adverse impacts on individual tenants with little accountability or redress.

This situation is gratuitous, since property managers have other means of checking tenants' credentials. People are already subjected to substantial infringements on their privacy which they have little chance of resisting if they wish to enter the private rental market. They are already required at the very least to provide such items as proof of identity, references from past landlords and property managers, employment details, bank statements and the like. Tenants perceived as risky may be required to obtain guarantors, and some at-risk groups automatically face high barriers in gaining approval for tenancy.

RTDs are possible only in a market which is inherently unequal and public policy tolerance for these practices reinforces this inequality. While theoretically tenants can refuse to give information, or to give consent to being listed with RTDs, in fact they have no bargaining power if they wish to obtain access to housing.

Listing by an RTD can be every bit as adverse as getting a criminal record – but without any form of trial or process of justice.

In these circumstances we **recommend**

1. *That the use and operation of RTDs should be prohibited by the Commonwealth and State and Territory Governments.*

4. Other recommendations

Shelter NSW believes the case against the continued operation of RTDs is compelling, but in the event that RTDs are permitted to remain in operation, then at the least they should be

subjected to a much more rigorous regulatory regime than is currently the case. It is clearly highly inappropriate that interested parties like property managers should effectively be both complainants and arbiters of disputes in which they are engaged with other parties and as a result be able to pronounce judgement on whether those parties should or should not be granted access to rental housing. There is already more than sufficient evidence to indicate the flimsy nature of the information they may provide, even when it is not downright wrong, or when it is not wrong but insufficient examination has been made of any mitigating circumstances or opportunity to remedy given.

Given the severe nature of the punishment – for punishment it is – of denial of housing to tenants who are listed, the obligation is high to ensure the accuracy and the seriousness of the reasons for listing. This is an obligation that rests on both the property manager and the RTD operator, but as things stand there is an extraordinary lack of accountability on either part. Natural justice is denied and tenants who may or may not be at fault (and to greater or lesser degree at that) are exploited without hope of redress. On the basis of our own research and analysis, and having come to similar conclusions independently, we support the recommendations of the Tenants’ Union of NSW in the terms set out below.

4.1. National legislation

The two pieces of federal legislation that have some impact on the operation of RTDs are the Privacy Act (1988) and the National Privacy Principles, and the Trade Practices Act 1974. Of the two the Privacy Act and Privacy Principles have a significant bearing on some aspects of the operations of RTDs, although they do not deal with all aspects of RTDs and leave some issues unaddressed. For example, they do not deal with important issues like grounds for listing and the point at which listing can be made. In addition, in common with the Trade Practices Act, complaints processes are cumbersome and time consuming, and in the latter case can also be expensive as they wind through the court system. Few tenants are equipped to deal with such processes, and in any event they do not address the urgency which can be involved in the quest for adequate housing.

Johnston notes that the federal government has described its preferred approach as “light touch”, and describes the features of its model as

- Establishing standards (based on the *National Principles for the Fair Handling of Personal Information*) in the Act;
- Establishing a complaints-handling mechanism for alleged breaches of the standards;
- Allowing industries, sectors, businesses and enterprises to develop codes of practice that are consistent with the standards “as a whole” and which may contain a complaint-handling mechanism specific to breaches of that code;
- Denying consumer access to the generic complaint-handling mechanism where an industry, sector, business or enterprise develops its own code of practice and complaint-handling mechanism.¹⁵

It is precisely the “light touch” approach that has failed to address the manifest problems produced by the lack of regulation of RTDs, and which should therefore be changed to a clear regulatory environment. And given the national reach of RTDs and the mobility of the

¹⁵ Johnston, *op. cit.*, p. 58

Australian population, clearly, this has to be led at a national level. The Tasmanian Office of Consumer Affairs and Fair Trading has identified several possible governmental approaches:

- Encouragement of the development of industry codes which might be given force under the Privacy Act;
- *Ad hoc* state approaches, by which each jurisdiction takes whatever action it deems necessary. This might include State legislation;
- National standards agreed by each jurisdiction but operating as a “baseline” standard with each jurisdiction free to exceed the minimum standard;
- Template legislation to achieve national uniformity of approach.¹⁶

It should be clear from all that has been said, and from the increasingly extensive literature, that self-regulation has simply not proved effective in this field, and that given how high the stakes are for tenants and the inequality in the market place, self-regulation is not appropriate. Johnston quotes the Senate Legal and Constitutional References Committee (1999) in identifying three fundamental problems with relying on self-regulation:

- It is incapable of dealing with “the cowboys, who never join”;
- It is incapable of dealing with the regulatory “deserter”;
- It fails to guarantee the rights of consumers, because without “the credible possibility of coercive intervention by government, adequate standards will not be adopted or enforced”.¹⁷

It should be noted that RTDs operate nationally across state boundaries, but RTD members/subscribers operate within the framework of state-level legislation governing residential tenancies and property managers. Accordingly, Shelter NSW believes there should be co-ordinated regulation at both a national and state level, and that this issue should be urgently considered by federal and state and territory ministers responsible for consumer affairs and fair trading. To date Queensland is the only state to have specifically addressed issues relating to RTDs in its legislation (though NSW is currently considering somewhat weaker provisions by way of regulation). The value of the Queensland legislation is that it provides rights and remedies to listed people. States and territories should be encouraged to legislate along the Queensland lines, and such legislation should be complemented by Commonwealth legislation dealing with such issues as access to listings, notices of listings, listing durations, and the enforcement of orders that listings be removed or amended. It is **recommended**

2. That, should governments allow RTDs to be used and operated, both their use and operation should be subject to a national regime of legislative regulation.

3. That a national regime of legislative regulation should apply to all operators of RTDs, all users of RTDs, and all persons who are the subject of a listing (including an existing listing) or a proposed listing.

4.2. Unfair listings

The arbitrary nature of listings, the differences between RTDs as to what they list, and the dramatic effect such listings can have upon people’s access to housing is well documented in

¹⁶ Tasmanian Office of Consumer Affairs and Fair Trading, November 2001, quoted in Lavarch, *op. cit.*, p.32.

¹⁷ Quoted in Johnston, *op. cit.*, p. 56.

the literature, and there is a wealth of anecdotal information as to the suffering such listings can cause. It should also be noted that there is no mechanism for checking the accuracy of such listings, especially where they are not made on the basis of specific breach that has been determined by a relevant tribunal. Given the serious consequences of listing, it is entirely appropriate that listing should be permitted only on the basis of verifiable evidence and objective determination. In addition, it would be manifestly unjust to apply this only to new listings: it should be applied to all lists and listing proposals, and to all RTD operators and users.

4. That a person's information may be listed on an RTD in the circumstances only if:

- *the person was a tenant under a residential tenancy agreement as prescribed by the relevant State or Territory; and*
- *the person's tenancy is terminated; and*
- *the person has been notified by the member-subscriber of the proposal to list, and has been given an opportunity to review and respond to the proposed listing; and either*
- *the tenancy was terminated by the relevant State tribunal on the grounds that the tenant caused damage to the property, and the cost of the damage as determined by the tribunal is in excess of the bond; or*
- *the tenancy was terminated by the relevant State tribunal on the grounds that the tenant was in rent arrears, and the amount of arrears as determined by the Tribunal is in excess of the bond; or*
- *the tenancy was terminated by the relevant State tribunal on the grounds that the tenant caused or threatened to cause injury to the landlord, the landlord's agent or another person lawfully on the premises.*

4.3. Access to listings

While the Commonwealth Privacy Principles require access to listings to be given to subjects, and at reasonable cost, practice varies considerably between RTD operators, and some at least have made a practice of making it difficult, time-consuming, and, in the case of phone access to an agency like TICA, expensive. People should be able to access information about themselves in RTDs freely and easily. Subject to payment of membership/subscription fees, property managers can do so, and given that the service operates to their benefit, there is no reason why such fees should not cover the incidental costs of providing information to people about themselves.

It is not uncommon for people to first become aware that they have been listed when they have been repeatedly rejected for private rental housing. It is not sufficient for them to be told they may be subject to RTD listing in the small print among the forest of documentation that entering a residential tenancy agreement or lease can involve, and about which there is little real chance to negotiate if they wish to take on a tenancy. If a listing is proposed by a property manager, tenants should be informed of this, and of the reasons. They should be given the opportunity to review, refute or correct the information proposed for listing. The RTD operator should also be required to contact the tenant and informed of the listing; and where a tenancy is refused on account of a listing, the applicant should be advised of this by the property manager, of the reason for the decision and the contents of the listing. All of this

is necessary to ensure people have a reasonable opportunity to know what information is held about them and to correct it if necessary.

5. That where a member-subscriber of an RTD proposes to list a person's information, the member-subscriber should be required to notify the person and provide them with an opportunity to review the information and respond to the proposed listing.

6. That where an RTD lists a person's information, the RTD should be required to notify the person of the information listed.

7. That where a member-subscriber of an RTD declines a tenancy application, the member-subscriber should be required to give the applicant reasons for the decision, including the contents of any information provided by an RTD.

8. That RTDs should be required to provide a person who is listed on the RTD with a copy of the information listed, without charge and without delay.

4.4. Dispute resolution

As indicated earlier, there is a need for complementary national and state legislation, and this is an instance where the body most appropriate for dealing with disputes over listings expeditiously and cheaply is the state or territory tenancies or small claims tribunal, whichever body deals with tenancy legislation. Queensland has already enacted such legislation allowing disputes over listings to be resolved by the small claims tribunal, and our recommendation is in accordance with this practice, subject to the requirement that all listings should be permissible only on the basis of breaches objectively determined by the tribunal. In addition, for the reasons given above, national legislation – including the Commonwealth's own legislation – should ensure that these tribunals have the power to make binding and enforceable decisions on both RTD members/subscribers and RTD operators.

9. That the tenancy tribunal of each State and Territory be empowered to make urgent, binding, enforceable orders in relation to listings and proposed listings on RTDs.

10. That a person who is the subject of a proposed listing on an RTD should be able to seek urgent orders that a proposed listing must not be made, where the proposed listing would:

- be in breach of the prescribed circumstances for listing;*
- contain inaccurate information; or*
- cause injustice or excessive hardship to the person or their household.*

11. That a person who is the subject of a listing should be able to seek urgent orders that a listing must be amended or removed, where the listing:

- is in breach of the prescribed circumstances for listing;*
- contains inaccurate information; or*
- is causing or may cause injustice or excessive hardship to the person or their household.*

4.5. Duration of listing

The Lavarch Committee proposes a two-year period after which all listings should be removed, and Shelter NSW supports this proposal, as does the Tenants' Union of NSW. In addition, where a breach has been remedied, e.g. in the case of payment of rental arrears, the

listing should be removed immediately upon payment of the debt, and the tenant should be advised accordingly, so that they can act in the relevant tribunal if the listing is not removed.

12. That where a listing is made for a reason other than an unpaid debt, the listing should be required to be removed after two years; and that where a listing is made for a unpaid debt, the listing should be required to be removed immediately upon payment of the debt, or after two years, whichever is the sooner.