



# TICA PACK



**Tenant black listing and what you can  
do about it**

## Contents

	Page No
1. What is a Tenancy Database (TICA)?.....	2
2. Who Can be Listed?.....	2
3. What to Do if the agent is planning to list you.....	2
4. Finding out if you are Listed.....	3
5. Steps for Removing a Listing.....	4
6. Timeframes for Removing a Listing.....	4
7. TICA and the Privacy Act.....	5
8. Further Help/Contacts.....	5

### Attachments:

- Premium Access Letter (This is for your use to remove, complete and post)
- Free Access Letter (This is for your use to remove, complete and post)
- Faxback Information Request Document (This is for your use to remove, complete and fax)
- What the response from TICA may look like

### **Disclaimer**

The information in this brochure is based primarily on the *Residential Tenancies and Other Legislation Amendments Act 2000*. This legislation takes precedence over this brochure, should there be any inconsistencies.

## What is a Tenancy Database.

Tenancy databases collect information about the tenancy history of tenants. They are used by real estate agents and lessors to screen tenants and to manage tenancies. There are now laws in Queensland that set out how real estate agents and lessors can use tenancy databases. A person can only be listed for specific reasons. Tenants whose listings do not meet the new laws can challenge them. But there are timeframes for doing this, so it is important to act sooner rather than later.

## Who Can be Listed on a Tenancy Database?

You can only be listed on a database if you were a tenant listed on the written tenancy agreement and the tenancy agreement has ended. Any other occupants, visitors or children cannot be listed as they are not on the tenancy Agreement

## What are the specific reasons a tenant can be listed on a tenant database?

A named tenant can only be listed after the tenancy has ended for specific reasons:

- for monetary amounts, where the amount owing is more than the bond, for rent arrears (where the Notice to Remedy Breach process for rent arrears has been followed),
- for an amount owing above the amount of the bond that is NOT rent, after a conciliation agreement or Tribunal order (and the money hasn't been paid within the required time)
- money owing after abandonment.
- for repeated breaches, where the tenancy has been terminated by a Tribunal for that reason.
- for objectionable behaviour, where the tenancy has been terminated by a Tribunal for that reason.

## Knowing about a Listing

A real estate agent or lessor must write to you to let you know about a proposed listing (or take other reasonable steps). They must give you a reasonable chance to consider this information. It also gives the tenant an opportunity to negotiate with the agent or **dispute** the proposed listing through the RTA's Dispute Resolution Service. Complete a *Dispute Resolution Request* (Form 16) and send it to the RTA. A Conciliator will contact you and the agent, and if both parties agree to take part, will assist you to resolve the dispute.

## Tips about negotiating with the Agent to stop the listing

- Make notes about what you want to say to the agent before speaking.
- Take someone with you to any meetings.
- Stick to the facts, without becoming personal.
- Clearly state what you want; (for example, if you pay a certain amount the agent will not list you).

If you reach agreement, write a letter to the agent confirming the arrangements between you, keep a copy.

### 3

#### What listings can be removed?

You can take action to have a database listing removed if:

1. The listing is unlawful. This means the listing is not for one of the three reasons mentioned earlier. You have six months from the time you became aware of the listing to start legal action.
2. The listing is inaccurate or unjust.

#### **Examples of listings that may be unlawful**

- A person living in the property is listed, but they were not on the tenancy agreement.
- A tenant left owing some money to the lessor and was listed. However the rental bond was enough to cover the amount owing, so the lessor did not lose any money.

#### **Examples of listings that may be unjust**

- A tenant who had been in hospital for some time and fell behind with the rent.
- A tenant left the property to escape from domestic violence. Their cotenant/ former partner was responsible for damage that occurred after they left.

#### How Can I Find Out If I am On a Database?

##### **1. Contact the Database Directly**

There are a number of ways in which you can request access to information about your listing with TICA.

##### **A. You can write to TICA**

- a) You are required to provide your full name, date of birth, driver's licence number and current address.
- b) You are also required to supply a **stamped self-addressed envelope**. If no envelope is supplied, no information will be returned.
  - The first letter is the **FREE ACCESS** letter.  
(Included with this document)  
You will need complete your person details in the spaces provided and **include a stamped self addressed envelope**.  
The response will take about 1 month to come back.
  - The second letter is the **PRIORITY ACCESS** letter.  
(Included with this document)  
You will need to include a money order for the sum shown on the letter as well as a **stamped self address envelope**.  
You should receive a response back in 12 or so days.

Keep a photocopy of your letter and note the date that you posted the letter for your records.

## **B. Access TICA by Telephone**

In the event you require immediate information you can contact TICA on the Tenant Helpline Number: 190220346. Calls are charged at \$5.45/minute including GST (higher for mobile or pay phones). ***This option is not recommended as it does not provide you with the written documentation that is required to seek a removal of a listing through the Small Claims Tribunal.***

## **C. Access TICA by Fax**

Individuals can access TICA via faxed authority for \$22 (Included with this document). This process requires access to a Credit Card and if requested prior to 4 PM EST, TICA advises that they will be processed within 3 hours.

When you get your response it will be one page letter with either 1 or 2 attachments. (See Attached)

**Attachment 1** will be the tenant enquiry database - This just indicates what Real Estates have run your details through the database. This is relatively harmless. (See Attached)

**Attachment 2** may be the tenant history database - This means that you are listed on the TICA database by the agent named because they believed you have defaulted in your tenancy.

If you are on this one you will need to contact your local tenant advice service to make an appointment to discuss your options. For the number of your local Tenant Advice and Advocacy service you can call the RTA on 1300 366 311.

## **Steps for Removing a Listing**

1. Decide whether the listing is un lawful, inaccurate or unjust.  
You can only be listed on a database for specific reasons. If the reason for your listing is not for one of the three reasons set out in this brochure, or the listing is inaccurate or unjust, you can ask the real estate agent or lessor to remove or amend it on the database.
2. There are strict timeframes for you to take action to remove a listing and this time frame is **6 months** from the time you become aware of the listing.
3. If the agent has gone out of business the listing should be removed by the database. Write a letter to the database saying that the agent is no longer in business and asking for the listing to be removed (a tenancy advice worker can provide help with this letter if you need it). If the tenancy database refuses to remove your listing, you can complain to the Privacy Commissioner. It is usually best to get legal advice about this. Free legal advice can be obtained from some of the organisations listed on the back of this brochure. The contact details for the Privacy Commissioner are also included in the Useful Contact Section of this pack.
4. Apply direct to the Small Claims Tribunal for an order that the listing be removed. (A tenancy advice worker can help you complete this application.) If you apply to the Small Claims Tribunal, you will need a written copy of the database record as evidence of the listing.

## **TICA and the Privacy Legislation**

TICA was reviewed by the Privacy Commissioner in 2004 and the Privacy Commissioner made a number of recommendations including that listings should not be held for longer than 4 years, for more information about the recommendations go to: [http://www.tuq.org.au/ff\\_tica.asp](http://www.tuq.org.au/ff_tica.asp)

## **Useful Contacts**

### **The Advocacy and Support Centre (TASC)**

223 Hume Street, Toowoomba 4350  
Advice Line Phone: 46169707

### **Tenants' Union of Queensland Advice Line (9 am - 4 pm)**

Phone: 07 3257 1108 or 1800 177 761 [www.tuq.org.au](http://www.tuq.org.au)

### **Legal Aid Queensland**

Phone: 1300 65 11 88 [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)

### **Residential Tenancies Authority**

Phone: 1300 366 311 [www.rta.qld.gov.au](http://www.rta.qld.gov.au)

### **Office of the Federal Privacy Commissioner**

Phone: 1300 363 992 [www.privacy.gov.au](http://www.privacy.gov.au)

**TICA** - [www.tica.com.au](http://www.tica.com.au) - TICA's telephone service operates as a 1900 number, charged per minute, or there is a postal service for which a fee may be charged, available through PO Box 120, Concord, NSW 2137)

**PREMIUM ACCESS**

DATE: \_\_\_\_\_

Attn: The Principal – Phillip Nounnis  
TICA Default Tenancy Control Pty Ltd  
P O Box 120  
Concord NSW 2137

Dear Mr Nounnis

**Re: TICA listing/s**

I am writing to request information about me as listed by previous real estate agents and/or caravan park managers/owners.

I have enclosed a money order for \$14.30 as indicated on your website, and a stamped, self-addressed envelope and request that this information be forwarded to me at the address below.

My identifying particulars are as follows:

Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Current Address: \_\_\_\_\_

Queensland Drivers License: \_\_\_\_\_

Australian Passport Number: \_\_\_\_\_

I understand that this information may take up to 8 days to be returned to me, but would very much appreciate it if you could return this information sooner.

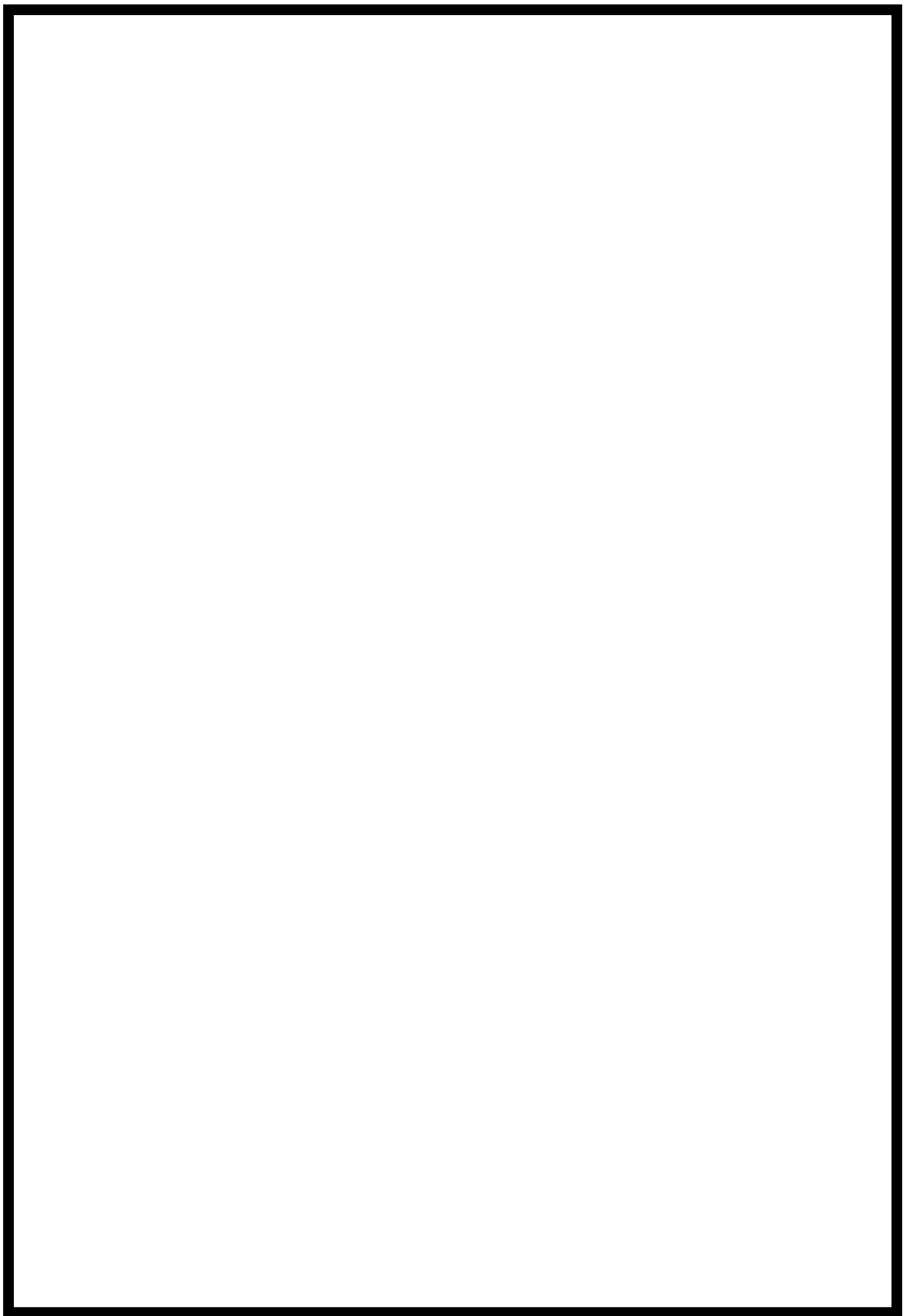
Thank you for your assistance with my enquiry.

Yours sincerely,

X \_\_\_\_\_

Name: \_\_\_\_\_





**FREE ACCESS**

DATE: \_\_\_\_\_

Attn: The Principal – Phillip Nounnis  
TICA Default Tenancy Control Pty Ltd  
P O Box 120  
Concord NSW 2137

Dear Mr Nounnis

**Re: TICA listing/s**

I am writing to you under the free access terms of your website to request information about me as listed by previous real estate agents and/or caravan park managers/owners.

I have enclosed a stamped, self-addressed envelope and request that this information be forwarded to me at the address below.

My identifying particulars are as follows:

Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Current Address: \_\_\_\_\_

Queensland Drivers License: \_\_\_\_\_

Australian Passport Number: \_\_\_\_\_

I understand that this information may take up to 28 days to be returned to me, but would very much appreciate it if you could return this information sooner.

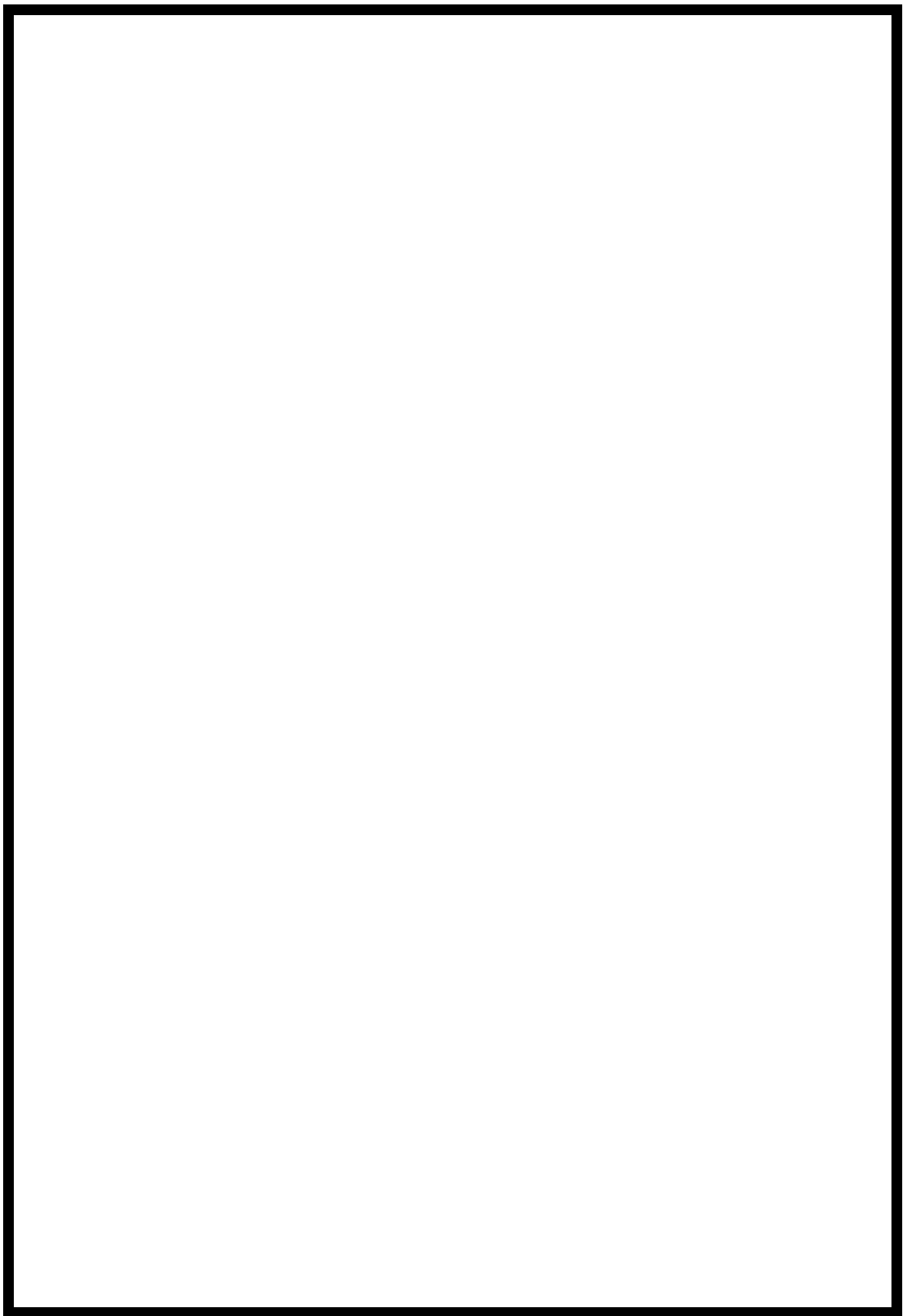
Thank you for your assistance with my enquiry.

Yours sincerely,

X \_\_\_\_\_

Name: \_\_\_\_\_







# TICA Access Request Via Fax

**TICA DEFAULT TENANCY CONTROL PTY LTD**  
Phone: 190 222 0346 Fax: 02 9743 4844

## TICA Access Request Via Fax FAX TO 02 9743 4844

### BEFORE COMPLETING THIS FORM AND FAXING IT TO TICA IT IS AGREED THAT:

1. Any request for information via credit card payment can only be processed if it includes the credit card holder.
2. The Privacy Act Acknowledgement Advice attached hereto must be signed and by doing so you accept the terms in this request.
3. Minimum requirement being your Full Name, Date of Birth, Current address and Fax number must be supplied to TICA in this request, should these requirements not be met TICA will not process your request and no refund is applicable.
4. TICA's hours of operation are between 9am to 4pm EST Monday to Friday all requests will be processed within 3 hours of receiving, any request received after 4pm may be processed on the following business day. It is important to note that due to different state holidays TICA may be closed on a day that you forward your request.
5. All reports will be faxed back to applicant.

### Applicant 1 – Must be printed

Given Name/s: \_\_\_\_\_ Surname: \_\_\_\_\_  
Licence No: \_\_\_\_\_ DOB: \_\_\_\_\_  
Passport No: \_\_\_\_\_  
Current Address: \_\_\_\_\_  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

### Applicant 2 – Must be printed

Given Name/s: \_\_\_\_\_ Surname: \_\_\_\_\_  
Licence No: \_\_\_\_\_ DOB: \_\_\_\_\_  
Passport No: \_\_\_\_\_  
Current Address: \_\_\_\_\_  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

*I hereby confirm that I have read the Privacy Statement on page 2 of 2 and agree for TICA to process this request.*

Applicant 1 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant 2 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Credit Card Payment Authority. Please charge my Credit Card for the amount of \$22.00 per person Including GST**

Credit Card Type  Visa  MasterCard

Cardholder Name: \_\_\_\_\_ Cardholder Signature \_\_\_\_\_

Card Number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

 Expiry Date: 

--	--	--	--	--	--

Please read the following Privacy Statement carefully as this will inform you as to what TICA can and cannot do with the information provided by you.

## **Privacy Statement for TICA - Access Request Via Fax**

We are required at law to advise you of your rights in relation to your privacy

The information supplied by you to TICA is required by TICA to prove who you are and that you made an inquiry about yourself. This information has been obtained to protect your privacy and your rights. The information you have provided is protected under the Privacy Act and TICA has a legal obligation to protect the information you have just provided from any misuse.

The information you have supplied to TICA can only be used for one purpose and that is for you to inquire if your name has been listed on any of the TICA databases.

None of the information provided to TICA in this request can or will be passed on to any other person or corporation in any circumstances whatsoever. In the event that you may be listed on the TICA database none of the information provided by you in this request will be passed onto any member that has listed you.

The information provided by you in this request will remain on the TICA Public Inquiries Data Base for a period of four years. The TICA Public Inquiry Database is only used by TICA for internal purposes. Information contained within our Public Inquiry Database can only be passed on to government departments and or government agencies both state and federal as defined in the Privacy Act and as required by law.



## TICA Default Tenancy Control Pty Ltd

ACN: 087 400 379 ABN: 84 087 400 379

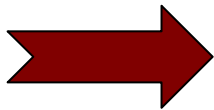
PO Box 120, Concord NSW 2137

Tel. 1902 220346

Fax. (02) 9743 4844

September 1, 2008

JOHN DOE  
123 PRETEND LANE  
TOOWOOMBA QLD 4350



### YOUR RESPONSE WILL LOOK SOMETHING LIKE THIS

This information is subject to the conditions set out below on this report and was searched using the following details:

Surname:	<b>DOE</b>	Given Names:	<b>JOHN</b>
D08:	<b>13-Jun-1969</b>	Drivers License or	
Passport:	<b>Not supplied</b>	18+ Card Number:	<b>12345</b>

Results: As of September 1, 2008

The above details are recorded on our tenant public inquiry database and will be deleted in four years.

Please see annexed pages for any additional information that may be held on any of our databases.



Annexed pages (x 2 pages)

Conditions:

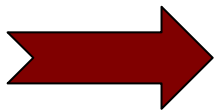
1. This information is not to be used as a reference for tenancy application.
2. All information contained on this report is intended for the above-mentioned person.
3. TICA does not guarantee the performance of the above-mentioned person as a tenant.
4. Should the information listed above be incorrect contact the listing agent or TICA to have the record amended.
5. The information above is only as at the time and date of the report.

**Should you require any further advice or assistance you may contact our TICA Helpline on 1902 222 0346 these calls are charged at \$5.45 per minute including GST (higher from mobiles or payphones).**

## ***TICA Enquiry Database Report***

Pleas note: information in the enquiries database will be automatically removed no longer than 4 years from the listing date

End Date	Agency Name	Suburb
12-Aug-2008	RENT TO YOU REAL ESTATE	TOOWOOMBA



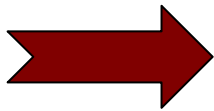
### **WHAT THIS MEANS:**

This means that the above Real Estate Agent have run your name through the TICA database to see if you are listed.

## ***TICA Tenancy History Database Report:***

---

Date Lodged: **27-Nov-2002**  
Lodged By: **ACME REALTY TOOWOOMBA**  
Property Reference: **81aSouth**  
Contact Telephone: **07 12345678**  
Removal Date: **27-Nov-2009**  
Statement:



### **WHAT THIS MEANS:**

This HISTORY page means that you have been blacklisted by the above Real Estate Agent because they believe that you have defaulted on your tenancy in some way.

You should make an appointment to see a Tenant Advocate to discuss your options. Contact the RTA on 1300 366 311 to get the number of your local Tenant Advice and Advocacy Service.



223 Hume St  
PO Box 594  
TOOWOOMBA, QLD 4350  
PH: (07) 4616 9700  
Fax: (07) 4616 9777  
Email: [reception@tascinc.org.au](mailto:reception@tascinc.org.au)  
[www.tascinc.org.au](http://www.tascinc.org.au)  
Hours of Operation  
9:00am to 4:30pm Monday to Friday

**The Advocacy and Support Centre would like to sincerely thank the Residential Tenancies Authority and the Tenants Union of Queensland for the use of their resources in the development of this booklet.**