

#10 PRIVACY

THE PROBLEM

Western Australia has one of the more frequent property inspection schedules, with inspections permitted every three months. Rent inspections can cause undue stress and pressure on tenants.

Some tenants complain that the rental inspection often feels like a judgement about them and how they live, with comments about general cleanliness and clutter rather than substantive issues relating to the condition of the property.

Inspections often include taking photos inside the home with tenants'

possessions, which can be intrusive or make tenants feel vulnerable.

Tenants are also required to disclose a wide range of personal information including bank details, which can pose a security concern especially as there are aren't privacy laws covering all real estate agents or landlords.

"I'm really sick of property inspections – they're so unnecessary and I hate that renters get treated like criminals just because we're poor!"

THE FACTS

It is standard practice to undertake property inspections in WA every three months. However in Victoria and the ACT it is a maximum of once every 6 months, which is adequate and working well.

The current advice from the WA regulator states "If photographs or video recordings are taken at the time the property inspection or other required activity by the lessor, it is recommended that all photographs or video recordings are sighted, signed and dated by all parties.

The photos taken should not depict anything beyond what is necessary. You should ask if the property manager intends to take photos and ensure personal items are put away before the visit. Photographs and/or video recordings are not a substitute for accurate written descriptions of the condition of the property."^[1]

Tenants are now required to provide extensive personal information, including employment and banking

details, when applying for a property. However, there is currently no standard procedure for storing or disposing of this information. These documents are highly sensitive and many are not currently protected under standard privacy laws and regulations.

THE SOLUTION

After the initial inspection at three months, rental inspections should be no more than twice a year, to avoid unnecessary stress and imposition on tenants.

Tenants should be able to prevent their personal possessions from being photographed if they object, in writing, on the grounds of privacy or personal security. Any photos taken should always be shared with the tenant and should only include relevant content such as maintenance issues.

Documentation and personal files associated with a rental application or tenancy should be protected by Privacy Laws and dealt with in confidence and disposed of appropriately.

There also need to be better training and regulations/guidelines for property managers to standardisation of practices to ensure fair and consistent treatment of tenants. The focus should remain on substantive property management issues rather than a general assessment of the tenant and how they live their life.

Tenants are required to provide personal information, but often their highly sensitive documents aren't protected under standard privacy laws.

[1] <https://www.commerce.wa.gov.au/consumer-protection/privacy-and-entry-rights-rental-properties>
Quote: Make Renting Fair WA survey responses (2019)