



Freecall: 1800 812 953

Phone: 08 8982 1111

Web Site: www.dcls.org.au

Email: info@dcls.org.au

Postal Address: GPO Box 3180, Darwin NT

Location: 8 Manton Street, Darwin, NT

DISCRIMINATION AND RENTING

If you live in a house, unit, boarding house or hostel, caravan or caravan site, you have rights under the Anti-Discrimination Act 1992 (NT).

Who the law applies to

The *Anti-Discrimination Act 1992* ('The Act') applies to any person in the Northern Territory, including private landlords (if they are not living in the premises they are renting out), real estate agents, community housing providers and the Department of Housing.

Discrimination

In the Northern Territory, discrimination means treating a person less favourably than someone else because of that person's:

- race
- sex
- sexuality
- age
- marital status
- pregnancy
- parenthood
- breastfeeding
- impairment
- religious belief or activity
- political opinion, affiliation or activity
- irrelevant medical record
- irrelevant criminal record
- association with a person who has, or is believed to have one of these qualities.

Discrimination in accommodation

It is unlawful for someone to discriminate against you:

- by failing or refusing to accept an application for accommodation (e.g. if an advertisement for a rental property says that the landlord will not accept applications from single parents).

- by failing or refusing to supply accommodation (e.g. if a boarding house operator refuses to provide someone with a room, telling them it is because they are too old).
- in the way that an application for accommodation is processed (e.g. if a real estate agent places a person lower on a list of potential tenants because the person has a disability).
- in the terms and conditions on which accommodation is offered, renewed or extended (e.g. if a landlord offers a person a property, but only if they pay a higher security deposit (bond) than what was advertised because the person is of a particular racial background).

If you are already having accommodation supplied to you, it is unlawful for someone to discriminate against you:

- in any change to the terms and conditions on which the accommodation is supplied (e.g. if a tenant becomes a parent and the landlord requires the tenant to pay additional rent because of this).
- in failing or refusing to provide, or limiting access to, any benefit associated with accommodation (e.g. if a tenant acquires a disability and the landlord stops the tenant from accessing the common gym in a unit block because of this).





Freecall: 1800 812 953

Phone: 08 8982 1111

Web Site: www.dcls.org.au

Email: info@dcls.org.au

Postal Address: GPO Box 3180, Darwin NT

Location: 8 Manton Street, Darwin, NT

- in evicting you (e.g. if a landlord says they will not give you the correct notice period under a notice of termination because you are unmarried).
- by treating you less favourably in any way in connection with the accommodation.

It is unlawful for a person to refuse someone with an impairment (for example, a physical or mental disability) permission to make reasonable changes to their accommodation to meet their special needs. However, this only applies where certain conditions are met, for example the alteration is at the expense of the person requesting permission to make the alterations.

In certain situations, it is not unlawful to discriminate against a person if the accommodation is provided by a religious organisation or for a charitable purpose.

How to make a complaint if you have been discriminated against

If you have been discriminated against, you can make a complaint to the Northern Territory Anti-Discrimination Commission ('ADC'). Complaints to the ADC must be in writing and provide details of what happened and who discriminated against you.

You will need to show that you have been treated less favourably compared to someone else on the basis of having one of the attributes listed previously. For example, if your tenancy application was refused on the basis of your sexuality, you would need evidence to prove this.

You need to make a complaint within 6 months of the discrimination occurring, however, the ADC can extend this time frame in some circumstances.

If a real estate agent has discriminated against you, you can make a complaint to the principal of the real estate agency. See the DCLS factsheet 'Complaining about real estate agents' for more information.

Other protection from discrimination

Tenants are also protected from discrimination under Commonwealth laws, which apply in all states and territories. If you want more information about these laws, you can contact the Australian Human Rights Commission ('AHRC'). You can make a complaint to the AHRC if you have been treated in a way that breaches these laws. You need to do this within 12 months of the discrimination occurring.

Useful contacts

Darwin Community Legal Service

Phone: (08) 8982 1111

Freecall: 1800 812 953

Northern Territory Anti-Discrimination Commission

Phone: (08) 8999 1444

Freecall: 1800 813 846

Email: antidiscrimination@nt.gov.au

Australian Human Rights Commission

Phone: 02 9284 9888

Freecall: 1300 656 419

TTY: 1800 620 241