

Unfinished business

“Only those who have faced the prospect of being without a roof to shelter under can know the terrible fear that can well up in a person.”



The story of the Tenants' Union of NSW 1976–1996

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Paul Mortimer

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Unfinished business:

The story of the Tenants' Union of NSW 1976–1996

Produced in 1996 by the Tenants' Union of NSW

With funding assistance provided by the Law Foundation of NSW



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Front cover photo: A boarding house tenant in Inner Sydney 1988

Back cover: Quote from a letter to the Tenants' Union by a tenant, George Gibson,
in 1990

Acknowledgments

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Mark Hearn, our consultant historian, provided us with clear direction on how to carry out this project.

Eddy Jokovich completed the layout of the final document. He was professional and understanding.

Having access to Robert Mowbray's Master's Thesis was very useful, especially for the earlier chapters.

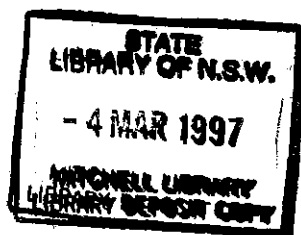
Paul would like to thank those closest to him for tolerating his recent distraction.

Introduction

This publication is intended to document and evaluate the history of the Tenants' Union of NSW, from 1976 to its twentieth anniversary in 1996. It will help the organisation evaluate its operation and set future priorities.

This history will be valuable for people familiar with the Tenants' Union, and should be of interest to many who are not. It is a brief history written by Paul Mortimer, who has been employed by the Tenants' Union as Training and Resources Officer since 1990.

A more substantial history of the Tenants' Union would be a worthwhile project for the future.



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Chapter 1

Early tenant struggles

“The house accommodation of the working classes of Sydney is admitted on all hands to be deplorably bad: even in more recently erected dwellings the means of drainage and ventilation are almost entirely neglected, and many of the older tenements are unfit for the occupation of human beings.” Henry Parkes, 1860. (1)

Nineteenth century Australia

There is a long and sad tradition of sub-standard accommodation for the working class in Australia. Henry Parkes referred to such housing in the quote above from an 1860 report to the NSW Legislative Assembly. The country became heavily urbanised from the beginning of European settlement, and many tenants lived in poor and overcrowded housing, the worst being in inner Sydney and Melbourne, where it was common to have one family to a room. A report in 1876 by the Sydney City and Suburban Sewerage Board describes a Sydney slum:

“... a property returning good yields is created at minimum outlay. It is no use to have doors and windows at the back because the ground at the back belongs to another proprietor and houses without ventilation let readily . . . there being no provision for drainage, and no room for it except in front, it follows as a matter of course that all the house slops find their way into this unoccupied space and run along it in a surface drain. Add three or four stinking cess-pits, all occupying prominent positions in front . . . and you have a sketch of a block of cheap houses in the back-slums of Sydney.” (2)

Landlord and tenant legislation was introduced in NSW in 1847. However, it gave tenants only a small measure of protection: The Law simply stopped landlords pursuing extreme measures in seeking to recover unpaid rent, and it set out prescribed procedures for evicting tenants. When the 1850s Gold Rush led to steep rent increases, a Tenements Recovery Act in 1853 replaced the previous Act, but provided only marginal improvements. In particular, it failed to improve the quality of rental housing. (3)

In 1896, in response to public concern about unsanitary housing, a Public Health Act was passed in NSW that set out minimum building and health standards. Landlords complained it would increase their costs, and in fact it did, as the Act compelled them to provide housing fit for human habitation. (4) Unfortunately, the Public Health Act didn't work quickly enough to stop the bubonic plague breaking out in The Rocks in 1900, killing 103 people.

In 1899, a Landlord and Tenant Act was introduced, which was also based on a feudal system of land tenure. Staggeringly, this legislation remained the basis of residential tenancies legislation until passage of the current Act at the end of 1989, 90 years later. Like earlier legislation, it was limited to prescribing eviction procedures landlords must follow.

**N. S. W.
RENT PAYERS' ASSOCIATION**

Executive Office: 83 Flinders Street, City.

NOTICE

Tenants and Rent Payers generally are invited to enrol with this Association without delay. It is out to make good. Householders, home makers, and others have been bled by harpies, by high rents, bonuses, and totally illegal charges. This has got to stop.

One of our officials will call on you to secure your co-operation.

IF YOU ARE IN TROUBLE ABOUT RENT, RING UP TELEPHONE No. PADDINGTON 752

**Issued for, and on behalf of the Rent Payers' Association of N.S.W.
The Worker Print: St. Andrew's Place Sydney. 1910**

1910 election dodger distributed by the NSW Rent Payers' Association.

Overseas heritage

In Europe and the United States there were mass tenant movements and debates about better housing in the nineteenth century. There was an agrarian Anti-Rent Movement in the United States in the mid 1800s and a Tenants' League in New York in 1848. These movements used mass organisation, rent strikes, confrontation over evictions and political action. There were also mass rent strikes in the United States in the 1890s. (5)

In Ireland in the later nineteenth century the Land League attempted to banish 'landlordism', one of the catalysts being that during the potato famine in the middle of the century, absentee English landlords had exported food while a million people died. The Land League became a powerful force but failed in the end. In England, several organisations began pushing for rent control in the 1880s.

First Australian tenant struggles

In 1890 D.B. Kelly gave a lecture on the Rent Reducing League at a meeting of Melbourne's socialists. In the same year H.H. Champion, a British socialist in Australia, suggested forming an Anti-Rent League. (6)

However, the first record of a tenant organisation in Australia was the NSW Rent Payers' Association, which existed from 1910 to 1916. They campaigned for and won Fair Rent legislation, and represented tenants before the Fair Rents Court, as a tenant advocate would today before the NSW Residential Tenancies Tribunal. (7)

The Victorian Rentpayers' Union (VRU) was formed in November 1911 at a meeting of 300 people at Port Melbourne Town Hall. They were critical of landlords and estate agents forcing up rents and were concerned with direct action. The VRU considered itself an industrial union and had high fees. The Labor Party objected to the left-wing connections of many of its members and the trade unions didn't like the VRU calling itself a union. The Trades Hall Council forced them to disband in 1913. (8)

Depression evictions

During the Great Depression of 1929-33 families of unemployed workers were evicted for not being able to pay their rent, and this led to a great deal of tension and militant action. The Anti-Eviction Campaign of 1930-31 was organised by the Unemployed Workers Movement in Sydney, and their tactics included occupations and, as a last resort, sieges. We know there were major confrontations with police in Bankstown and Newtown in Sydney, and at Tighes Hill in Newcastle. These became known as the 'eviction riots'. (9) In Newtown a large crowd watched as a group tried to stop an eviction. The following report appeared in the 'Sydney Morning Herald' on 20 June 1931:

"The most sensational eviction battle Sydney has ever known was fought between forty policemen and eighteen communists at 143 Union Street, Newtown, yesterday morning. All the defenders were injured, some seriously, and at least fifteen of the police were treated by ambulance officials. Only one man was hit by bullets fired at the walls of the house by police, and it is not known how the injury was inflicted. Probably the wounded man was struck by a bullet which had been deflected in its

path. Entrenched behind barbed wire and sandbags, the defenders rained stones weighing several pounds from the top floor of the building onto the heads of the attacking police, who were attempting to execute an eviction order.”

In Cessnock, a Hunter Valley mining town with strong union influence, unions declared houses ‘black’ where evictions had occurred. No one would rent them and they were left to rot. Jack Lang was the NSW Labor Premier of the day and he passed laws to postpone evictions where there was hardship. These laws didn’t really improve things for tenants but the Anti-Eviction Campaign lost its momentum.

Rent control

A campaign for rent control began in Australia in the 1890s. However, it was not until 1915 that Fair Rents legislation was passed in NSW. In 1926 further laws were passed in NSW so that tenants could only be evicted under certain conditions, where before there were no such restrictions. Rent control was phased out in 1933. (10)

In 1939, all States in Australia agreed at a Premiers’ Conference to allow the Commonwealth to control rents during the Second World War. It was considered to be in the national interest that rents remain stable while everyone was contributing to the war effort. In 1948, with the war over, there was a referendum and the Commonwealth Government lost the power to control rents. However, the Labor Government in NSW kept the war-time rent controls in place. It was the only State to do so.

Up to 1968 many private tenants in NSW were ‘protected tenants’ under the 1948 law, with regulated rents and controls on evictions; although houses built after 1954 were not protected. From 1945 to 1968 home ownership increased dramatically. This was the main reason why there was a smaller private rental sector than before, and proportionally fewer private tenants. Estate agents and landlords lobbied to get rid of rent control, arguing that it stopped people investing in rental property. However, the evidence is that rent control legislation in the 1920s to 1940s did not discourage investment in rental housing. (11)

The nature of the rental market, with many smaller landlords, worked against tenants becoming organised. They became less of a political force.

In 1968 a new Coalition Government, under Premier Robin Askin (later Sir Robert), changed the law so that rent could now be increased unless the tenants proved they couldn’t pay market rent. The Opposition did not appear to challenge this. Once no new protected tenancies could be created, the number of protected tenants began to drop substantially. Legal protections won earlier in the century were lost by most tenants, who were now covered by the 1899 law, which left them vulnerable to rent increases and evictions for no reason.

By the mid-70s less and less tenants in NSW were ‘protected’ by the 1948 law, and at this time tenant organisations began to form.

Chapter notes

1. NSW Legislative Assembly Report from the Select Committee on the Condition of the Working Classes of the Metropolis, 1859-60. Kelly, Max, 'Picturesque and Pestilential: The Sydney Slum Observed 1860-1900', in Kelly, Max, (ed) "Nineteenth Century Sydney", 1978, p 74
2. NSW Legislative Council VP 1875-76, Volume 5, p 540. In Kelly, p 76
3. Mowbray, Robert, "Towards a Better Understanding of Private Renting in New South Wales", Master's Thesis, Department of Town and Country Planning, University of Sydney, 1987, p 55
4. Mowbray, 1987, p 56
5. Mowbray, 1987, p 68
6. The Rent Reducing League was probably an English organisation, but it is not clear from the source of this information: Harris, David, 'A Great Ring of Landlords?' in V. Burgmann and J. Lee (eds), "Making a Life", 1988, p 40
7. Kass, Terry, 'Cheaper than Rent: Aspects of the Growth of Owner-Occupation in Sydney 1911-66' in M. Kelly (ed), "Sydney City of Suburbs", 1987, pp 80, 85
8. Harris, 1988, p 39 and pp 50-51
9. Mowbray, 1987, pp 68-69
10. Mowbray 1987, pp 55-58
11. Mowbray, Robert, "The Nature of Contemporary Landlordism in New South Wales: Implications for Tenants' Rights", Doctoral Thesis, Department of Urban and Regional Planning, University of Sydney, 1996, pp 61-62 (footnote)

Chapter 2

Formation years 1974–1979

“It was very much the philosophy which came out of the Whitlam years, historically arising from the war on poverty in America, the view that the best people who can change landlord and tenant law are tenants pulling together, forming a tenants’ organisation.” Robert Mowbray

The Poverty Report

When the Whitlam Government gained office in Canberra in 1972, many people hoped there would be great changes in Australia. The previous Liberal Prime Minister, William McMahon, had called a Commission of Inquiry into Poverty in Australia, and Whitlam expanded this inquiry. In 1975 one of the findings of the Report of the Poverty Commission was that poor quality and high cost housing was a major cause of poverty. Professor Sackville, who completed the ‘Law and Poverty’ part of the inquiry, found that the States’ tenancy laws left tenants vulnerable, and recommended reforming these laws.

The Inquiry’s Report created some public acceptance that broad changes were needed. It acted as a fillip for law reform and gave advocates of law reform a document to focus on. A number of community organisations started lobbying Governments to act on the Poverty Report’s recommendations.

Tenants needed to win something back

By 1975 most tenants were not protected by rent control, and many were having serious problems: shoddy housing; landlords refusing to do repairs; estate agents entering unannounced; blatant racial discrimination against Aborigines and migrants; and if tenants complained or got off-side with the landlord, they could be evicted. Estate agents maintained that without rent control the market and investment were providing much better housing for tenants. However, as mentioned in the previous chapter, the evidence is that when rent control was in force it did not necessarily affect investment.

Robert Mowbray: “By the mid-70s the large majority of tenants were in decontrolled property and the law had totally ignored these people. And I suppose we all thought that, with a lot of hard work and campaigning, we might be able to bring about some significant changes in landlord/tenant law, in line with what the Poverty Commission was pushing. Naive us.”

Bruce Murrell was on the Property Management Council of the Real Estate Institute of NSW from 1969 to the early 1990s, and has been an estate agent in Sydney since the 1950s: “Once property was free of rent control, we had this big boom in rental accommodation. It was offered at market rent, people were happy to pay it and they were getting modern accommodation, not living in little flatettes, with pygmy stoves and shared toilets and bathrooms and what have you.”



Run down house in inner Sydney, photographed by Tenants' Rights Project c. 1976.

First tenant services

In Redfern, South Sydney Community Aid was assisting tenants. In 1974 Robert Mowbray was a social work student doing his final field work at South Sydney Community Aid. “It was put to me that there were a lot of tenants coming into the agency having hassles with landlords and real estate agents—so why not do a research project and see if something could come out of that.”

Something did. The Whitlam Government’s Social Welfare Commission gave South Sydney Community Aid funds for a Tenants’ Rights Project in 1975-76. Funding was also received from the Department of Christian Citizenship of the Methodist Church (which later became the Board for Social Responsibility of the Uniting Church in NSW). That project employed Robert Mowbray. It produced a ‘Tenants’ Rights Manual’ for people advising tenants and a ‘Your Rights as a Tenant in NSW’ handbook for tenants. The handbook was translated into five languages.

At the same time the Methodist Church ‘Chapel-by-the-Sea’ at Bondi Beach funded a tenant worker, Andrew Bush, for a year or two. The Bondi-Waverley Tenants’ Association, the first private tenant organisation in NSW since World War I, was formed.

Starting to organise

Shelter NSW was formed in 1974 to seek better housing for low-income people. (1) On 17 March, 1975, a Tenancy Working Group of Shelter held its first meeting. It aimed to:

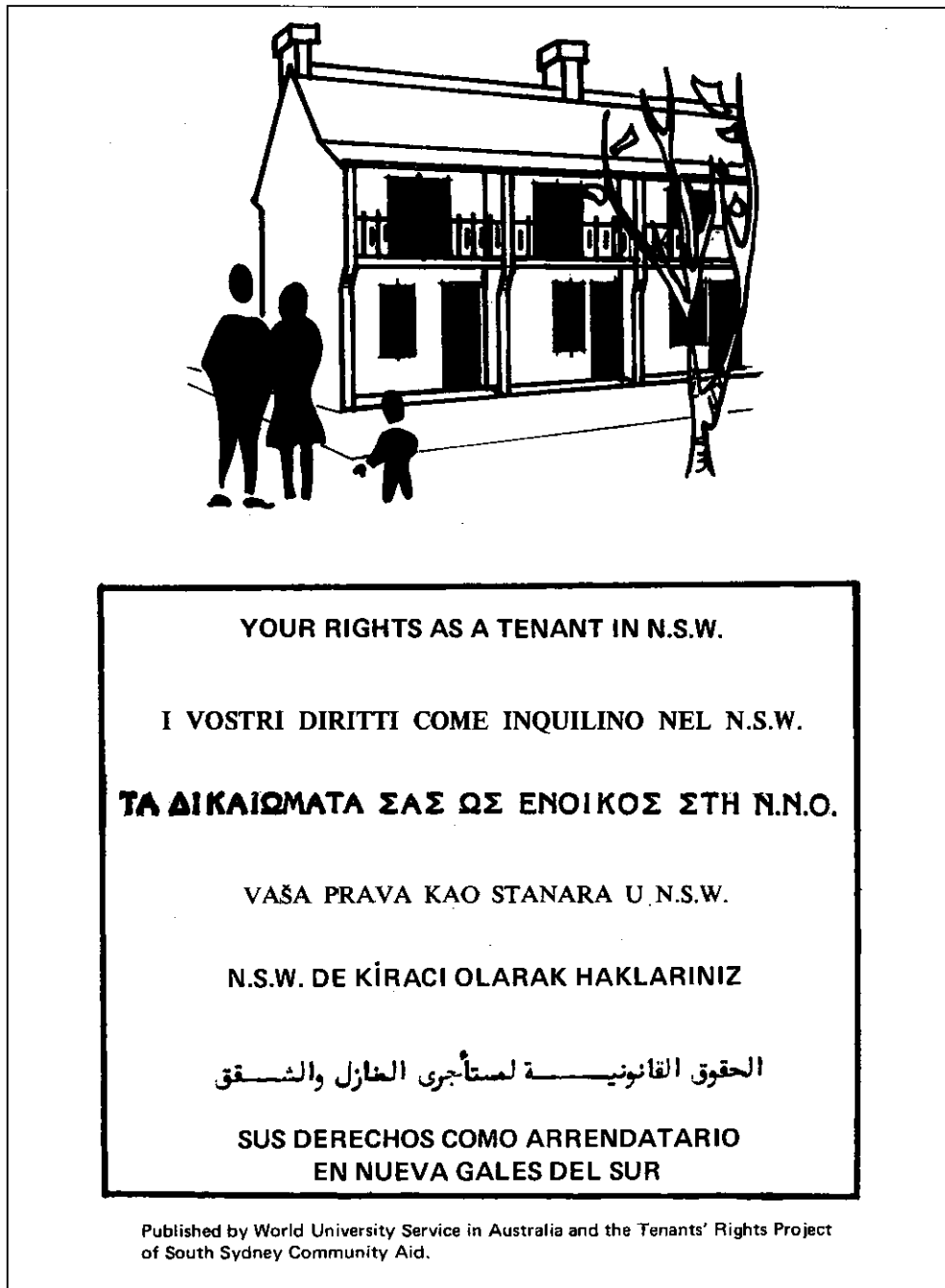
- * bring together individuals and organisations concerned with tenancy issues,
- * make recommendations on policy matters relating to tenancy, and take action to secure a more equitable landlord-tenant relationship,
- * stimulate and provide support for tenants’ organisations.

It is significant that these aims are still relevant for the Tenants’ Union. This will be discussed in the last chapter.

Groups involved in the Tenancy Working Group included representatives of Bondi-Waverley Tenants’ Association and South Sydney Community Aid. Other participants in the Tenancy Working Group included the Housing Association for Low Income Families in Lidcombe (represented by a Catholic priest, Father John Gallagher), the Manly Ratepayers and Residents Association (including Charlie Begg, a long-time fighter for protected tenants), Labor Community Services at North Sydney, and Kate Holland, then working at the Australian Council of Social Services (ACOSS).

At its second meeting a month later (21 April, 1975), the Working Group identified three key areas for any campaign for a better deal for tenants—

- * informing tenants of their rights under existing legislation;
- * review of current landlord/tenant legislation;
- * establishment of an independent tribunal or tenancy board to resolve disputes.



Cover of the first 'Your Rights as a Tenant in NSW' handbook, c1976.

It was clear to the Working Group that the laws did not give most tenants proper protection, and most tenants did not have any information about their rights when renting, or how to enforce them. Disputes between tenants and landlords were resolved in the local courts rather than a special tribunal. The issues of law reform and informing tenants of their rights have remained relevant to the present day.

An early win for tenants

In early 1976 Mr Syd Einfeld became Minister for Consumer Affairs in the Wran Labor Government in NSW. He had run for election in 1965 promising to do something about high rents, so the Tenancy Working Group started talking to him about better laws, including rent control and eviction controls. (2)

The Working Group came up with the idea of a 'Bond Fund' which would keep tenants' bond money safe and fund non-profit housing and community based tenants' advice services. They presented a submission on this to the Department of Youth and Community Services in 1976, to get their support for the idea. Later that year, Syd Einfeld announced the creation of the Rental Bond Board, but the Government used its money to help first home buyers—not to fund co-operative housing or services for tenants.

Forming a Union

The Tenancy Working Group wanted to form an organisation of tenants. They saw the need to become an incorporated organisation, partly to attract funds for tenants' services, and partly to protect members from being sued if they highlighted bad practices of landlords and real estate agents.

The name 'Tenants' Union' was influenced by that of the Tenants' Union of Victoria, which was formed in 1974 and had a funded worker from its beginning. The two organisations developed independently.

Formation members of the Tenants' Union of NSW included people from the Shelter Tenancy Working Group. Other people included the first Chair, Viv Abraham, a progressive solicitor who had been involved in housing and Aboriginal issues from the 1940s. There were also community workers and social work students.

Robert Mowbray: "We all generally came from the left, and had pretty simplistic views about the housing market and landlordism. We all saw private rental as a most inequitable form of tenure. I don't think you can say there was an actual ideology that drove us."

The Tenants' Union of NSW had its formation meeting on August 17, 1976 at the offices of the Australian Council of Social Services, which were then at 190 Cumberland Street in Sydney.

Structure

The Tenants' Union of NSW Co-op Ltd was and is a co-operative society. In 1976 there were no incorporated associations, and the easiest way to become incorporated was as a co-operative. The Tenants' Union has a set of rules, which includes its objectives. Its members own a \$1 share in the organisation and pay an annual service fee. At its Annual General Meeting the members elect twelve members to the Board, nine as Directors and three as Alternate Directors. The Board has met once a month since the organisation's formation and is responsible for running the Tenants' Union for its members.

Original aims

Its aims included:

- * to become a representative organisation of tenants and to act as spokesperson for the interests of tenants;
- * to work towards a just landlord-tenant relationship through legislative and administrative changes;
- * to improve the status and rights of tenants generally;
- * to disseminate information on the rights and obligations of tenants;
- * to promote the establishment of advice and resource centres for tenants and to promote autonomous local groups of tenants affiliated with the society, operating on the principle of self-help;
- * to collect information and conduct research about existing conditions in the rental market and problems faced by tenants;
- * to seek participation by tenants at all levels of government decision-making affecting housing and tenants in particular;
- * to promote the availability of good quality rental housing for all persons regardless of sex, age, ethnic or national origin, creed, marital status and family composition;
- * to promote alternative forms of housing; and
- * to encourage participation of all members of the society in promoting the above objectives.

Turning these into policies

While the Tenants' Union was clear about its objectives, it took a while for their policy implications to sink in. Thus it was only in the heat of campaigning and with the sheer difficulty in gaining results that several things became clear:

- * that while legislative reform was important, the main issue was an economic one, related to the structure of the housing market, patterns of investment and distribution of resources;
- * that without genuine security of tenure in private rental housing, there was an inescapable inequality in the bargaining power of landlords and tenants;
- * that campaigning for tenants' rights had to be integrated into an overall struggle for housing justice for low-income people generally.

In later years, the importance of such policy parameters became increasingly significant.

New and activist

In the last three years of the 70s the fledgling Tenants' Union was very much an activist organisation, run entirely by volunteers. They saw that tenants were in a weak position generally, with no legal protection against evictions, high rents, or poor repairs. They viewed this as a serious political and human rights issue.

In 1978 the Minister for Consumer Affairs, Syd Einfeld, established a Landlord and Tenant Act Reform Committee to look at changing the 1899 Landlord and Tenant Act, and the early Tenants' Union organised itself around campaigning for reform of the law. Robert Mowbray: ". . . there was an assumption that law reform could remedy the worst of the abuses suffered by tenants."

The Department of Consumer Affairs (now the Department of Fair Trading) set up a small section to deal with tenants' problems, and they naturally viewed tenancy from a consumer rights angle. Peter Berry was with their tenancy section from 1976 to 1981: "It was a funny feeling at first. No one really contemplated that tenancy issues were consumer protection issues. But it's the way it moved right around Australia. It raised a whole awareness of tenancy being a consumer issue."

The Tenants' Union was a very small and new organisation in the late 70s, so it had to battle to claim the right to speak on behalf of the one million tenants then in NSW. The Tenants' Union increased its visibility by distributing posters, leaflets and car stickers, seeking regular press coverage, giving talks to community and government bodies, and carefully dealing with the bureaucracy by having delegates tightly organised. (3)

Robert Mowbray continued to work for South Sydney Community Aid: "We did a lot of organising, you had Syd Einfeld doing the review. There were forums so we organised ourselves to make the greatest impact at these forums. We manipulated the media on occasions, again to gain a high profile, and we had little tricks we used to employ. For example, a person who produced a newsletter for property investors wrote an article on how to rip off tenants. We reproduced it and distributed it to his neighbours, accompanied by a Channel 10 television crew."

Harvey Volke was part-time editor for the Newtown 'Guardian' newspaper: "When I was working at the 'Guardian' at Newtown, Robert got me to ring around the estate agents in Newtown, and I came up with some incredibly discriminatory and racist statements in relation to renting to Aboriginals. Robert put me on to several Aboriginal tenants who had problems with agents and landlords, and I ran some juicy stories. An agent, Fred Fialla, on one occasion removed the front door of a flat to force out the tenant. On another occasion he threatened to lock out a tenant, and was silly enough to put it in writing, which I reproduced on the front page after Robert had got legal advice that it wasn't defamatory. That didn't stop him taking out a \$20,000 suit against us, anyway. He didn't get anywhere with it, but he sure had my proprietor wetting his pants."

A network of volunteers

At the same time the organisation was setting up volunteer services for tenants and putting together information about tenants' rights. These services each operated a few hours a week, mainly from community organisations. In 1978 a 'Tenants'

TENANTS ADVICE

NOTICE TO QUIT

LANDLORD **RIP OFF PTY LTD**
 TENANT **Anybody.**
 PAYMENT **Disgusting!**
 LEASE Dated **1979.**
 TAKE NOTICE that you are required by the Landlord to quit and deliver up possession of the premises at the end of **this week** after the date of service of this Notice to Quit, excluding the date of service.
 At that time you are required by Condition 14 (b) of the lease to deliver up possession of the premises promptly and peacefully in the condition and state of repair as agreed in Conditions 16 and 17 (a) and to hand over all keys.
 Dated this **29th** day of **March** 19**79**
Edwards
 Agent for Landlord



ENDORSEMENT AS TO SERVICE

I AM EMPLOYED ON **25TH** day of **MARCH** 19**79**
UNEMPLOYED AND UNSUITABLE TO THE LANDLORD.

Officer Roberts
 Police Officer

PROBLEMS WITH HOURS, BONDS, REPAIRS RENT, LEASE, LANDLORDS, ETC

WANTED Volunteers

Poster by Kings Cross Tenants' Advice Service 1979.

Hotline' was set up, where people phoned one number and the call was diverted to the different volunteer services on a roster. (4) This provided advice most weekdays and Saturday mornings and the Hotline soon became very busy. The expertise of the network grew from experience, and the advisers provided the Tenants' Union with information, which was put into print and included in training for others.

Robert Mowbray: "We had developed a network of Tenants' Advice Services, and these services were totally volunteer—there was at one stage about twenty-two of them scattered throughout Sydney. They only operated part time. They and our own experiences gave us material which we put in our submissions for law reform and funding."

Early reactions to the Tenants' Union

The Tenants' Union was a new organisation with a progressive political agenda. As is common for Government departments, at first the Department of Consumer Affairs was very cautious about the Tenants' Union and an officer acted as 'liaison' to keep them one step away from the Minister. But after a couple of years the Union had settled into a working relationship with Government.

A crossed line

Robert Mowbray: "I remember when Andrew Refshauge was one of the doctors at the Aboriginal Medical Service at Redfern. It was the late 1970s. He was concerned about one of his clients being very depressed. And he realised why—it was her appalling housing situation. So we organised for an ABC 'This Day Tonight' television crew to film the conditions in which she was living. During the filming, the caretaker of the property smashed the ABC camera.

"That night, the wife of the producer of 'This Day Tonight' picked up her telephone to call a friend and got a crossed line. And it happened to be the caretaker talking to the landlady. She had been watching 'This Day Tonight' and recognised what they were talking about. One of the things they said was, 'Well, whatever you do, don't let anyone find out about the old couple upstairs.' So the producer's wife then relayed that conversation to me at South Sydney Community Aid and we then pursued how this couple was being ripped off.

"The premises also turned out to be under rent control, so the Rent Control Office became involved. The Taxation Office also got interested. At the end of the day, the first tenant was rehoused rent-free by a landlord who had watched the program.

"There's a story that followed and it's not a happy one. The tenant's new neighbours were racist and stoned the house because she was Aboriginal. She was eventually forced to move out of the accommodation."

Peter Berry (then with the Department of Consumer Affairs, now the Department of Fair Trading): “My first contact being, this bloke’s a bit radical, perhaps you’d better see what he’s about first. Quite honestly, the feeling was that they were a very visible and radical voice for tenants. I think that was the general impression that there’s this new group that really was quite militant about tenants’ rights. It was a change—that there was some outspoken force that wasn’t going to be put off.”

The Real Estate Institute (REI) of NSW and the NSW Property Owners’ Association, who represented landlords, were suspicious of the Tenants’ Union. Bruce Murrell chaired the REI’s Property Management Council at that time: “Originally our only contact and knowledge of the Tenants’ Union was stuff that we saw in newspapers, and we had the idea that they were all a lot of extremists pushing extremist policies and so forth. Once we got talking we found that wasn’t the case, and they most likely thought we were the same.”

Peter Berry: “There always seemed to be a stand-off position. Parties were often diametrically opposed. Hand grenades were thrown from either side. It was the beginning of changes in the tenancy laws and emerging pushes for change. Some people probably felt threatened by it.”

Running the Union

The Tenants’ Union was run by volunteers. A couple of people had sympathetic employers that let them spend time on tenant issues. The Tenants’ Union was based at South Sydney Community Aid, which allowed staff to do tenancy work and let the Union use its office equipment. A few legal people helped out, including Greg James, a barrister who also helped civil liberties and other groups. A huge amount of work was done by its activist members. How much?

Robert Mowbray: “Hours and hours and hours and hours and hours. A number of us sometimes put in three nights a week and every second weekend, and this went on for a number of years. This included a number of social work students who continued doing work for the Tenants’ Union after they finished their field work placements, especially Beth Mitchell, Terry Findlay and Lesley Redwin.”

Not surprisingly, they were trying to get Government funding to employ someone to do some of the work, and they got it from Malcolm Fraser’s Coalition Federal Government. In late 1979 the Commonwealth Legal Aid Office agreed to give funds for one worker to develop the volunteer advice services.

Chapter notes

1. Margaret Barry was involved with Shelter NSW when it was formed. She provided the following information: In 1973 a number of local resident action groups, meeting at South Sydney Community Aid, realised that the issue they all had in common was their housing. Low income and tenanted housing were under attack, and there were significant campaigns in inner city suburbs such as Waterloo, The Rocks, Glebe, Woolloomooloo, Kings Cross and Darlington. By 1973 inner city member groups of the Coalition of Resident Action Groups (CRAG) formed a regional grouping, namely the Inner Sydney Residents Action Groups (ISRAG). By 1974 they had formed Shelter NSW and were working with housing groups in other states, under the Shelter banner, to form a national housing organisation. National Shelter received funding in 1975. Shelter NSW became incorporated in 1979. There is an article by Eleri Morgan-Thomas about the formation of Shelter, see 'Further reading'.
2. Mowbray, 1987, p 155
3. Mowbray, 1987, p 72
4. One of the Tenants' Hotline volunteers, Brenda Maling, has given advice on the Hotline from its beginning in 1978 right up to the present day. First through South Sydney Community Aid and more recently with the South Sydney Aboriginal Resource Centre.

Chapter 3

Getting noticed 1980–1985

“The Tenants’ Union was treading this fine line between being a direct service provider and being an activist based organisation. One of its other major concerns was the landlord and tenant law.” Mary Perkins

Making the hard decision

From 1980 the Tenants’ Union was funded to provide tenants’ advice services. At the same time it was trying to pressure the State Government to make real reforms for tenants. Such organisations always have to make judgments about how hard they push for political change and whether this puts their funding at risk. Government funding was first provided by the Federal Legal Aid Office, then also by the NSW Department of Youth and Community Services. The amount of funding was gradually increased up to the end of 1985.

Reyna Dight had been involved in the squatting movement in England, and started as the Tenants’ Union’s first paid worker in January 1980—a positive start to the new decade. Reyna left a bit more than a year later, exhausted with the effort of developing and maintaining a volunteer tenants’ advice network. Mary Perkins commenced working for the organisation in 1981.

In 1980 the two holy grails were still secure housing, which largely meant law reform for tenants, and services where tenants could get advice. It would have been easier to concentrate on setting up services and leave alone the bigger housing problems. But these were feisty people, they became more active and made sure that people knew who they were.

Law reform: first try fails

In 1980 the Landlord and Tenant Act Reform Committee made its recommendations. While the Committee had some tenant representatives, they were unable to get their concerns into the final report, which ‘Tenant News’ in 1980 called “a victory for the landlord lobby”. The report recommended, for example, that if tenants were 14 days behind in rent, the amount of notice they had to be given to leave should be reduced from 14 days to only 7 days.

Robert Mowbray: “Politicians, including Syd Einfeld, were scared to death by the property lobby’s argument that if you improve the situation for tenants you will have landlords fleeing the private rental market and that would make it worse for tenants. That has proved to be an absolute load of rubbish, but politicians were influenced very much by it.”

As editor of the Newtown ‘Guardian’ newspaper, Harvey Volke ran articles about the Labor Party’s left-right struggle for control of the inner-city branches. Harvey and the

'Guardian' had a parting of the ways in 1980. The Tenants' Union employed Harvey in October 1980 to run a campaign against the recommendations of the Landlord and Tenant Act Reform Committee. A lot of work was done through the Labor Party branches, trade unions, community groups, the general public and using media publicity, to get Syd Einfeld to drop the report. Harvey Volke recalls: "We had a marvellous time for several months and were quite successful. Einfeld pulled right back and the report was killed stone dead. It never even got publicly released. The trouble was we never got any reform at all. What we learned was that we needed a program of our own." After that campaign was over, Harvey continued to work with the Union for a year on general tenancy issues.

A new line of attack

By 1981, the attempt to reform the laws under the Labor Government had come to nothing. Realising it would be a long and hard haul to win better laws, the Tenants' Union started a new line of attack. Again, this involved getting a lot of publicity for themselves and tenant issues. It also meant being involved in the broader housing campaign in Sydney, that was being pushed by Shelter NSW in 1981.

Mary Perkins: "Law reform was going to have to be coupled with various other broader campaign-type strategies. Building the profile and broadening the concerns was quite deliberate, it was building the political bargaining power of the Tenants' Union, basically. It didn't matter how good the arguments were, without engaging in that political arena you'd get nowhere."

During the early to mid-80s Sydney was seeing the tragic break-up of the old inner-city private tenant communities. In the early 80s there was a recession and a severe housing crisis. Vacancy rates of rental properties were under 1%, instead of the normal 3 to 5%, which meant people were chasing less and less housing, and rents went through the roof. As areas were 'gentrified' and rents climbed, poorer tenants were forced out by the better off tenants and people who bought the housing to live in themselves. The old 1899 Act couldn't stop the rent increases and evictions. The evictions of the poorer tenants drew attention to the fact that new laws were needed. The Tenants' Union set out to publicise tenants' problems with activities like rent strikes, a tent city in Hyde Park, and support for squatting campaigns.

Doing the 'radical' stuff

Rent strikes were usually about rent increases or repairs. They showed the public how poor the laws were and got tenants involved in campaigning, but they were hard work and exhausted the workers who organised them.

Mary Perkins: "In blocks of flats we found the potential for arguing a rent strike campaign. It's basically the tenants agreeing to pay their rent into a bank account and to make a lot of publicity—the protection from eviction was in the lot of publicity—about what their issue was, and then settlement as a consequence. That also flagged to other tenants that there was a possibility in campaigning about things."

Harvey Volke: "The Niche Apartments in Booth Street, Annandale and Wardell Flats in Dulwich Hill. We won both of these, after an inordinate expenditure of effort, but the



Occupation of an unused house in The Rocks in September 1981 to highlight the housing crisis. There were 60 protesters, 180 police, and 21 arrests. The Tenants' Union was represented.

difficulty is in the long term the landlord usually gets what he wants. But when a lot of tenants hold back their rent at the same time, it's amazing how quickly investors come to the bargaining table and, for example, you get the repairs you've been seeking."

In 1981 a Tent City was set up in Hyde Park to highlight that many people could no longer afford housing in Sydney. 'The Ratbags of Rhythm' played, which got in the crowd, and speeches were made from a platform.

Harvey Volke: "All the tents were set up allegedly as marquees, but really to house us for as long as we could stay. Since it was winter and bloody cold at night, we were hoping we wouldn't be allowed to stay too long. Anyway, at the end of the concert we all packed into the tents and then the fun started. The coppers came round and told us to move and we told them we wouldn't, so then they started pulling the tents down. I can remember a Special Branch goon kicking the shit out of me."

Squatter groups also received support from the Tenants' Union. Harvey Volke: "I have to say there were some fairly mad people among them, as well as the hard-line ideological 'spart'-type trots. (1) But also the fair dinkum squatters who had nowhere else to go, and people who were genuinely outraged at the demolition by neglect of large swags of inner city housing. I can remember going to the meetings and demonstrations, speaking, sitting in tents on the street, in places like the Rocks, Darlo and the Cross. I think they liked to have me along for the measure of 'respectability' the TU lent them. Some of them saw us as simply trying to benefit from using them as shock troops, to get public housing reform. But this was bullshit."

The high profile strategies paid off. In the early 80s the Tenants' Union consolidated its position, as the recognised representative of tenants in NSW, and by being represented on Government committees that looked at a wide range of housing and other issues.

A new focus on housing

After the first attempt at tenancy law reform failed, the Tenants' Union looked long and hard at whether law reform was the answer. In 1981 they decided that while law reform could alleviate some of the abuses of tenants, it could not solve the basic problem that tenants were exploited by landlords, and that the interests of landlords and tenants were diametrically opposed on issues such as rent, security of tenure, maintenance, repairs and privacy. (2)

The Tenants' Union started to promote housing which gave people more security, such as public housing and co-operative housing. They supported the setting up of the Community Tenancy Scheme, but kept a distance from it as such new services played a role as landlords.

The Tenants' Union was involved with the Youth Issues Collective, which forced the Department of Housing to house single people who were not on a pension. The Collective took the Department to the Anti-Discrimination Board on this issue around 1983, and eventually won the case. This was an important change because public housing was needed by young homeless and unemployed people who were on benefits. At that time few young single people were on invalid pensions. Other single people on low incomes also needed public housing, as boarding houses and other cheaper housing for singles were disappearing.

The organisation also addressed the fact that some estate agents were blatantly discriminating against Aborigines. The trouble was that agents just became more clever and still discriminated. Agents now told Aborigines they could not rent a property because their income was too low or their families were too large.

Law reform, second attempt starts

The main objective was to get people into secure housing, and the major political objective for the Tenants' Union was still tenant law reform.

In 1982 migrant tenants in the Cabramatta area were having major problems, particularly with their bond money being ripped off. The Tenants' Union joined with workers at the Cabramatta Community Centre, and the Australian Consumers Association provided funding for a paid worker. This coalition produced a report called 'Reforming a Feudal Law', the name highlighting the fact that the 1899 Landlord and Tenant Act was literally based on England's feudal laws. It re-established the campaign for tenant law reform, and spelt out exactly what should be included in a fairer law for tenants. It recommended controls on rent increases and evictions.

Regina Haertsch played a key role in this report, first as a worker and then on the Board of the Tenants' Union: "It was very detailed, cost a lot of money, and got a launch. The

THE Sun

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STRIKE

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The 'Sun' newspaper banner headline 3 July 1981.

Government did take it seriously and did draft legislation, the policy makers looked at ‘Reforming a Feudal Law’ as the measure of what they should achieve.”

After that report the Tenants’ Union set up the ‘Campaign Action for Rental Reform’ (CARR). Bob Carr was then Minister for Consumer Affairs, and so was responsible for tenancy law. Meanwhile, Frank Walker was Minister for Housing, so there were two Ministers involved. Later, landlord-tenant legislation was placed in the Housing portfolio.

CARR vigorously campaigned to get the NSW Government to adopt better tenancy laws, in line with the ‘Reforming a Feudal Law’ report. Stopping unfair evictions was a major goal of CARR, and a ‘radical’ one in that it would really improve things for tenants. Long-term unemployment had increased steadily since the early 70s and Sydney was the most expensive place in Australia to live. Many low income tenants were suffering increasing hardship because they couldn’t afford to pay the rent.

Mary Perkins: “At that time they were pushing very hard for rent regulation, and a little known fact is how close they got to getting it. Even right through to Housing Minister Walker’s office were recommendations that rent regulation measures should be considered.”

Political tide against reform

The Tenants’ Union wanted major law reform, but in the mid-80s some powerful interests were working against it. In the 60s and 70s tenants were seen to be from the electoral middle ground, average families who would one day buy a home. By the 80s tenants tended to be more ‘marginalised’, poorer people than previously, and these people are not the electoral middle ground. Tenants were now less favoured by political parties.

A few factors within the NSW Labor Party meant they were less likely to support major law reform for tenants. The Labor Government of the day in New South Wales seemed to take the middle political ground. It was labelled ‘pragmatic’ at the time. Also at that time, the Tenants’ Union ran a check on Labor Party State Members of the NSW Parliament, and found that many were landlords.

Real reforms were supported by Housing Minister, Frank Walker, and a progressive draft Bill was approved by NSW Cabinet. But the Real Estate Institute and Property Owners’ Association were staunchly opposed to major reforms, and Walker’s Bill was eventually changed by Cabinet, so that the reforms were much weaker.

Robert Mowbray: “Frank Walker was more receptive to ‘just cause’ eviction and tighter residential tenancy law. There was a lot of pressure on the Labor Government by interests opposed to reforms in the Bill. The Government watered down the draft of the Bill originally approved by Cabinet.”

Expanding unfunded services

From 1980 to 1985 the Tenants’ Union worked on expanding its network of advice services. Advisers quickly realised that the existing laws were not much help to tenants,

and these advisers often became involved in political activity to reform the law. In 1980 the Tenants' Union continued to train volunteers to give advice on its 'Tenants' Hotline' phone service, and to produce information like the 'Tenants' Rights Manual' for advisers. It was extremely difficult to support all of these volunteers, so in 1981 the Tenants' Union began to recruit and train paid workers in community centres as 'volunteer' tenant advisers. This was a big improvement but it also had its problems. These workers were heavily committed already to their other work, and could not spend much time giving tenants advice.

By 1983 there were thirty-six tenants' services based in community centres throughout NSW. Most were giving tenants advice only a few hours a week. The Tenants' Union's workers would travel to the country to train people, or get these people to come to Sydney for training and have them 'put up' overnight at someone's home. Staff were run off their feet, the phones ran hot, and still they could get nowhere near to providing all of the assistance that tenants in NSW needed.

Regina Haertsch: "It was such a limited service, that was the problem. Groups contacted us and asked us how to answer certain questions, and I'd say: 'Well are you interested in receiving training and you can answer these questions for your own clients.' And by building on obvious interest we managed to get services established in mainstream community centres—places like Cabramatta Community Centre."

Mary Perkins: "We were shoving things on and off the back burner basically, and because we were pushed to the limit to get enough advice out to tenants, we would tailor the training to whatever people could do. One Community Health Service wanted to give tenants advice but their bosses wouldn't let them do the training, so we fitted the training into their lunch hours."

The new broom

For years the Tenants' Union had been writing submissions and telling everyone that the NSW Government should fund tenants' advice services from the Rental Bond Board's money. When Frank Walker became Minister for Housing he brought in new policies.

Mary Perkins: "Frank Walker came in as a new broom to the Department of Housing, basically a very reforming Housing Minister in lots of ways, he was prepared to entertain the Tenants' Union's arguments. We'd been networking fairly broadly for support for this notion, so the idea of funded tenants' services was supported in a very broad way, but was 'owned' by a number of people, so you'll probably find 50,000 people saying that they thought of it. And they probably all did and they all played a part."

Regina Haertsch: "There were obviously sympathetic people on the inside of Government who were looking for any ideas—they did get the ideas from the Tenants' Union. The Tenants' Union was a hotbed of ideas."

In 1985 Frank Walker announced that he would establish the Housing Information and Tenancy Services (HITS) Program, a network of twenty-one independent tenants' advice services throughout NSW, to be set up in 1986 and 1987, and the Tenants' Union would be funded to resource them. Shelter NSW and the inner-city based Housing Information and Referral Service (HIRS) also got funded under the program. It was a major breakthrough, and the Tenants' Union had to get ready to grow quickly.

The Camperdown Campaign

Royal Prince Alfred Hospital owned about one third of the housing in Camperdown and rented it out to retired employees, caretakers and cleaners and such, on the understanding they could stay there the rest of their lives. In the early 80s they decided to bulldoze half of it to expand the hospital and sell off the rest. The campaign that followed is a text-book case of how to win by pursuing a clear objective over a long period, and by reading the situation and using different strategies as the game progresses.

A Tenants' Union worker, Mary Perkins, turned up to English Street at 6 am as requested by the tenants. It was a cold winter morning and she saw a large number of elderly people, without an overcoat between them, lying down in front of the bulldozers that were about to demolish their homes. She decided that if that was good enough for them it was good enough for the Tenants' Union and sat down with them. A tenant in his 80s was asleep upstairs when the roof was taken off his house, a pretty cruel act which did the hospital's reputation no good at all.

The then Prince Alfred's Tenants' Association met every week for some years, at Camperdown Bowling Club, to plan their campaign. Two different strategies were needed to stop houses being sold and to stop others being bulldozed. With sales, they picketed all inspections and any attempted auctions on site, which was very effective because buyers were put off by neighbours like that. By sitting in front of bulldozers and getting media attention they got a lot of sympathy, from members of the public outraged by the hospital's behaviour. They also had union bans placed on demolition of the site. The hospital now had to take account of the tenants, and the next stage started.

Proposals were put to the hospital and the NSW Labor Government was lobbied. Ideas included having some properties turned into public housing and the tenants remaining. A local resident, Gary Nichols, got the NSW Labor Government to appoint him to the board of the hospital, which gave the residents a voice on the inside.

To get the NSW Government on side, you had to get both the left and right factions of the NSW Labor Party to talk to each other and agree, and at the time this was considered unlikely, but with good lobbying it was achieved. By good luck, Frank Walker became Minister for Housing. He had a very public commitment to the rights of working people, so it looked likely that something could be won through formal lobbying.

But at this point there was a stalemate, the hospital's board was becoming impatient with the negotiations and it looked like the formal lobbying might be too slow. Something was needed to tip the scales, so it was time for some direct action again. It was decided to stage an occupation of the hospital for the media.

It was timed for Saturday lunch time to make the front pages of the Sunday papers. The whole thing went according to script, and the police co-operated wonderfully. Five selected people including Mary, a city alderman and three tenants gathered early in the hospital's cafeteria, so they were already inside. Hospital services weren't disrupted, but at the given time the demonstration started outside and the five inside tried to occupy the hospital's board room.

They told security people they wouldn't leave until the Board agreed to see them, and told the police who arrived the same thing. The police said in that case they'd be arrested. Were the press cameras there? Yes. 'OK,' said the protesters, and they were arrested as planned in the full glare of publicity and taken to Newtown 'lock-up'. Legal support had been arranged from Redfern Legal Centre. The police were sympathetic but tried giving a lecture about doing things the legal way. The tenants explained they'd tried that and in this case they had to do it the other way.

Having got things going again it was back to negotiations and lobbying. Frank Walker set up a Departmental committee to sort it out. The deal they got was that the houses to be sold would be bought by the Department. Those tenants could stay there and the houses would be fixed up as well. There would be no more houses knocked down until the hospital needed them, and then those tenants would be housed in the same area by the Department. The tenants were happy with that.

The campaign had to be revived a couple of years later when the hospital needed the houses that had to be demolished. The Liberals and Joe Schipp were now in Government but the agreement was stuck to.

Through the years of the campaign the tenants showed good judgment in choosing their tactics. They did a lot of the local lobbying but needed help with strategies and dealing with the Government and bureaucrats. They picked the best strategies, with the help of the Tenants' Union, and resisted suggestions by the Squatters' Union to have a rent strike, which would have given the hospital legal grounds to evict them. Every time they took a step they first worked out where it was going to take them, to help them get what they wanted from the hospital.

As many of the tenants were older, some did not live through to the end of the campaign. The regional office of the Department of Housing once went to the hospital to reassure a tenant with a heart problem that he would have somewhere to live. Many of them were of the Depression generation and they were used to having to fight for what they deserved. Some were frightened by it all, but there were good organisers among them and many knew each other from working together. In 1990 the Tenants' Union made them all 'Tenants of the Year'.



Demonstration at Royal Prince Alfred Hospital, 1985, demonstrators and hospital official with police officer.

The old church hall

So where was all this activity happening? From 1980 to 1984 the Tenants' Union worked from a corner in the old St Luke's Church, at 118 Regent Street Redfern, where South Sydney Community Aid also had its office. The working conditions were atrocious; the Australian Social Welfare Union said it was the worst work place in the State. The budget was pitiful, and the average working day bedlam. South Sydney Community Aid rented the church and let the Tenants' Union use a space rent-free; there was little choice as there was no money for rent.

Mary Perkins: "The Tenants' Union was downstairs on the sloping floor, with some screens just bordering it off from the rest of the church, the second-hand clothes were behind the pulpit, the food to give away was in the pulpit, upstairs in the choir stall was South Sydney Community Aid, and in between time the clients would come and go. And when it rained it was very damp, very cold and very wet."

Regina Haertsch: "It's a level of poverty in organisations you can't imagine. People coming and going around us. It just felt like you were working in a second-hand clothes shop."

There was only one phone line for at least two workers in the office. When a volunteer came in to give advice on the 'Tenants' Hotline', a phone with an improvised extension chord had to be run over an upstairs balcony and down to the worker below. The Union relied on some generosity and fossicking.

Mary Perkins: “There was a lot of, let’s say, sharing and borrowing. For years we used the Lady Mayoress’ envelopes that someone had thrown out and dumped to us from Sydney City Council.”

In 1984 the Tenants’ Union moved around the corner to its own office in an old ward of the Rachel Forster Hospital, again rent-free. In 1985 there was a fire that halved the working space, and the water damage made the whole place uninhabitable. But it was better than the old church.

Motivation

For people to go through this there had to be some firm convictions.

Mary Perkins: “There was a very strong commitment to a notion of social justice, and crucial to any fairness was the idea of secure, affordable housing. Without that, poverty was not something that was going to go away very easily. Also, within a capitalist economy you could play with different forms of housing, so that you could come up with a just result without having to say ‘we want a socialist revolution’.”

Robert Mowbray: “During the 80s people came into the Tenants’ Union who weren’t necessarily social welfare types. Student activists and some with association with unions, people who were activists in the Communist Party at the time. And they put a lot of energy into the Board of the Tenants’ Union and allowed it to develop much closer contacts with the Union movement, which were very valuable.”

Many organisations have a splintering off of dissidents at some stage. People associated with the then Kings Cross Tenants’ Advice Service became involved with the Tenants’ Union, but they felt the organisation should take a harder ideological line and make fewer compromises. At the start of 1982 this group split away and focused on rent strikes and direct action. They were not inclined to negotiate with Governments or landlords.

By 1985 the Tenants’ Union was a mature organisation. It noted in its ‘Tenant News’ that the average age of its Board members was approaching 30, and asked for younger people to get involved.

The organisation seemed poised to succeed with its two major objectives of law reform and funded advice services, but the Wran Labor Government was reconsidering the Bill. Wran was re-elected in the 1985 NSW election, but the Coalition parties led by Nick Greiner reduced their majority in Parliament, and the Labor Government was looking less secure.

Chapter notes

1. ‘Spart’ refers to the Spartacists, who were pro-USSR. ‘Trots,’ or Trotskyists, were usually anti-USSR. ‘Trots’ tend towards the notion of world revolution.
2. Mowbray, 1987, p 73



The tenants involved in the Fairfield rent strike, 1986.

Chapter 4

Roller-coaster 1986–1988

“It was a huge task, all happening at the same time, and beyond control of the organisation. It puts a lot of pressure on people.” **Christine Gibson**

High stakes

At the start of 1986 a Residential Tenancies Bill was being considered by State Cabinet and a new program of tenants’ advice services was being established under the Housing Information and Tenancy Services (HITS) Program. The NSW Government had the power to decide what would be in the new tenancy laws, and it also had control over the funding of the new tenants’ advice services. Both were vitally important to the Tenants’ Union, so the stakes were high. The Tenants’ Union and the new services had to make some important judgments. How could they lobby the Government for law reform without risking the funding of the tenants’ advice services? How much were they prepared to risk the services to achieve the laws that tenants needed?

Rapid growth

The Tenants’ Union received funding from the Department of Housing to set up the new network of services. Funds were also received from the NSW Department of Youth and Community Services and the Legal Aid Commission. The Union had nine staff, including a Co-ordinator.

In 1986 and 1987 the Tenants’ Union had to set up twenty-one independent services called Tenants’ Advice and Housing Referral Services (TAHRS), which were funded by the State Government’s HITS Program. Setting up the services in only two years was a great achievement, but it was very fast growth and placed a lot of strain on the organisation’s workers. The pressure was on as the Tenants’ Union had to support the tenancy work being done by the services, and set up a whole new system of administration and reporting for the Program.

Mary Perkins: “We actually asked for it to be set up over a three-year period, but the gist we got was basically you do it in a year or you don’t get the money. So we were running ‘hell for leather’.”

Rural perspective

Rural services have their own practical problems. In the September 1988 ‘Tenant News’, Kerry Elizabeth of Mid-North Coast TAHRS said that to run a country tenants’ advice service, you had to be: “a journalist, a lobbyist, an acrobat and a racing car driver”.



Tenants advisers from Housing Information and Tenancy Services (HITS) c.1987

A big impact

As was expected these services had a major impact across the State. Before these services were set up most tenants had nowhere to get assistance if they had a disagreement with their landlord. The law still gave little protection, but now there was a local service to lend a hand. They could show you how to stall an eviction in the local court if you were suffering hardship, or explain how to get your bond money back. The Tenants' Union's phone Hotline was now supported by the HITS workers, which meant a higher standard of service. It took 10,000 calls in 1987-88.

Gary Moore was on the Tenants' Union Board in the mid 80s and early 90s: "There was a certain amount of euphoria that this money had been achieved and twenty-two services locally based across the State. It certainly did service a really significant number of tenants in geographic areas, parts of Sydney, Newcastle, Wollongong and elsewhere, that had never received services before."

Building the Union with the services

The Tenants' Union was afraid that with so much time spent building up new services, it would have no time left to build its membership or lobby for law reform. A worker was assigned to build membership.

They devised a plan for the tenants' advice services to help build a stronger Tenants' Union, with members and branches throughout New South Wales. To achieve this, each tenants' advice service was set up as an independently incorporated organisation, the idea being that each would become an organisation run by tenants,

and eventually form local branches of the Tenants' Union. However, this strategy proved very difficult to put into practice. The Tenants' Union had to spend a great deal of time setting up and maintaining over twenty new management bodies. This made it more difficult to do all the other work that was needed to support the new services.

Robert Mowbray: "There's always this concern about the Tenants' Union being an elitist group. One of the suggestions, to try and get more tenants in the Tenants' Union, was to get the tenants' advice services to become recruiting grounds for the tenants and become branches of the Tenants' Union."

Mary Perkins: "I think running around the country, setting up multitudes of local management committees was incredibly problematic. The Tenants' Union workers, who were supposed to be resourcing the HITS Program, spent most of their time shoring up one management committee after another, rather than resourcing the tenancy work that was happening."

The Tenants' Union wanted the new HITS Program services to have a say in what the Tenants' Union did. Four voting positions on the Tenants' Union Board were set aside for HITS service representatives. Also, the network of HITS services was set up as a committee of the Tenants' Union Board, and therefore answerable to the Tenants' Union. Some services, perhaps understandably, thought that the Tenants' Union was trying to control them, and this was resented.

Confusion about the Tenants' Union

In the HITS Program, the role of the Tenants' Union was to train and resource the services, and it was closely involved in setting up the new services. The role of the Department of Housing was to fund and monitor the services. At the same time, the Tenants' Union spoke to the Department of Housing on behalf of the network of services. Also, the Tenants' Union appeared to have influence with the Department. When the Department had an argument with some of the services, these services saw the Tenants' Union as being on the Department's side. As a result, there was some confusion about the role of the Tenants' Union and how it related to the network of services. There was also tension between the Tenants' Union and some of the services.

Robert Mowbray: "A number of people came to resent the Tenants' Union, saw it as playing a policing role and being an apologist for the Department. I don't think that was a fair comment on the way that the Tenants' Union operated at the time. There was actually quite a lot of conflict between some of the services—only some of them—and the Tenants' Union."

Sue Creek worked with the Tenants' Union almost continuously from 1985 to 1994: "Rapid growth with the development of the TAHRS network put enormous strain on the organisation, in terms of its role and what was expected of it. It was interesting, but a very difficult period. On the one hand the Government looked on the Tenants' Union as the peak body who could almost dictate conditions for local TAHRSs. However, in reality these organisations were totally independent."

Yet another housing crisis

The years 1987 to 1989 saw yet another housing crisis and rent spiral in Sydney. In 1987 the stock market crashed, plus there were low mortgage interest rates and 'negative gearing' was re-introduced. Negative gearing gives landlords a tax deduction if they pay more on mortgage interest than they receive in rent. People invested heavily in housing and house prices went through the roof. In 1987, rents rose 14% on average, and by much more in those inner city areas that were being gentrified. In the period leading up to the 1988 Bicentennial celebrations in Sydney, lots of boarding houses and cheaper accommodation were disappearing and being redeveloped as expensive apartments or back-packer tourist hostels. Many people were forced out of their homes when buildings were redeveloped or rents increased.

A number of campaigns were run against mass evictions. In 1988, The Ritz was a 97-room boarding house at Cremorne Point. Its owners decided to evict their tenants and redevelop the building. The tenants themselves were heavily involved in the campaign to save their housing, as was the local Tenants' Advice and Housing Referral Service (TAHRS), the Tenants' Union, North Sydney Council and the building unions. The tenants were eventually evicted but the development was held up in the courts and by union bans. Many years later The Ritz was finally redeveloped and the apartments sold for millions of dollars each.

Law reform stalls

Many of the HITS-funded services became involved in the campaign for law reform. When they gave assistance they could see the existing law was of little use to tenants, except in stalling evictions and getting bond money returned. Peter Berry, of the Department of Fair Trading (formerly the Department of Consumer Affairs), noted that the HITS-funded services would have found the old laws: "Very difficult, because of the lack of legislative framework to back up any advocacy they might be making on behalf of tenants."

In 1986 Deirdre Grusovin was Minister for Consumer Affairs, responsible for carrying through tenancy law reform by the Government. The Real Estate Institute and Property Owners' Association were pressuring the Labor Government to make the tenancy Bill as favourable as possible for landlords. Meanwhile, the Government was worried about the next election; it had suffered some very bad by-election results. The Bill that was approved by Cabinet in 1986 was much more landlord-friendly than Frank Walker's earlier draft. Campaign Action for Rental Reform (CARR), organised by the Tenants' Union, lobbied for a better deal for tenants, and received support from the Labor Party's left faction, but not from the dominant right wing.

Sue Creek: "The property lobby, which was very well resourced, started to unnerve the Government, and so it decided to water down the legislation. There was quite a lot of lobbying at that time through the CARR campaign."

Bruce Murrell (ex-Real Estate Institute representative): "We'd have made various submissions. Our committee would have looked at it, kicked it around and said 'this is unacceptable' or 'we don't think this is right' and sent them to the Minister. The same as the Tenants' Union, if you feel you've got a legitimate argument you'll push it for all you're worth. If you're not doing that you're not doing your job."



Scenes from Campaign Action for Rental Reform (CARR) demonstration 1987.
Sue Creek is at bottom right.

In 1986 high rents were already a big issue. While Cabinet was debating what should be in the tenancy bill, it decided to split the Bill and introduce it in two stages. The first part, the Residential Tenancies Tribunal Act 1986, became law in October 1986. The Residential Tenancies Tribunal was set up and was designed to be less formal and less expensive than a court. However, under this 1986 Act the Tribunal was restricted mainly to making rulings about excessive rents. The rest of the law reform had to wait.

The Tenants' Union wanted the 'excessive rents' part of the law to help make rents more affordable. However, the Tribunal's rulings on excessive rents were practically useless for tenants. Then Tribunal chairperson Harley Rustin said at the time: "It's the supply and demand which fairly fixes the rent." This means there is little protection when the market is tight, as it usually is in Sydney. Landlords generally can raise rents until no more can be squeezed out of tenants.

The whole Bill, with the watered down reforms, was passed through Parliament as the Residential Tenancies Act 1987, in April of that year. For an Act to become law the Government must publish that the Bill has been passed by Parliament. The Labor Government promised to publish ('gazette') the Act by May, but failed to do so. Possibly, the Government was afraid of upsetting landlords or tenants before the next election, due in 1988.

Down at the office

In 1986 and 1987 the Tenants' Union office at Rachel Forster Hospital was burgled four times, all the computers were stolen twice, and the insurance company finally cancelled the Union's insurance policy. It took ages to get repairs done after the earlier fire and water damage. Staff were very unhappy about the conditions; they were crowded and under a lot of pressure.

Christine Gibson worked for the Tenants' Union from 1986 to 1987: "I remember having my wallet stolen from within the office. The office had a subterranean feel to it, damp, decrepit and overcrowded. Somehow those involved with the Tenants' Union maintained a sense of cohesion and hope. We hoped to improve the situation of tenants and of those working on behalf of tenants. Even in fairly unattractive surroundings we were buoyed by energy and commitment. Resources became suddenly outdated when the new law came in, in 1986. You didn't know when it was going through so you couldn't prepare in advance. We had to update all our written resources, provide training about the changes, continue direct advocacy, indirect specialist advice, continue campaigning for fairer laws, continue liaising with departments and Members of Parliament, and link in with all other networks. It was a huge task, all happening at the same time, and beyond control of the organisation. It puts a lot of pressure on people."

After long negotiations, one of the last acts of the Labor administration was to provide some office space for the Tenants' Union. In April 1988 the Tenants' Union moved to its present address at 68 Bettington Street, Millers Point.

Meet the new Minister

The Tenants' Union, the network of services and Shelter NSW thought that a State Coalition Government under Nick Greiner would be bad for tenants' services and law reform. They spoke out against Greiner in the 1988 election campaign, but the Coalition won and Nick Greiner became Premier of NSW. A section in the minutes of Shelter NSW's meeting just after the election read simply "We lost".

The new Minister for Housing was the Liberal MP, Joe Schipp. Mr Schipp had run a sports store in Wagga Wagga and had little to do with housing issues before becoming a Minister. He was a conservative politician with a free enterprise-oriented agenda for housing in NSW. After the election, relations between Schipp and the HITS Program services soon soured.

The Raine Inquiry

Joe Schipp quickly set up the 'Ministerial Inquiry into Homelessness and Provision of Affordable Accommodation in the Inner City of Sydney'. The Inquiry members were

three people who were landlords or landlord representatives: Max Raine of Raine and Horne Real Estate, one of the largest estate agents in Sydney; Shirley Ball, a boarding house operator; and the Acting Manager of Community Housing Programs in the Department of Housing, answerable to the Minister. The Committee made a number of recommendations in its Report, including the following.

To increase the supply of rental housing: “A ‘Take in a Boarder of Your Choice’ Campaign be launched by the Government.” The report noted that there were 60,000 unoccupied rooms in owner occupied homes in Sydney, and by encouraging home owners to take in a boarder a potential 4,000 rooms could become available. “Every encouragement should be given to owners to let off surplus rooms in their homes to whatever type of person they choose . . .”

Under the section on Boarding Houses and Shared Accommodation: “Ensure relationships by proprietors and tenants are not covered by the Residential Tenancies Act.” Boarders do not have the legal protection that tenants do under the Residential Tenancies Act. The Raine Report recommended that boarders should not be covered by the Residential Tenancies Act, but instead there should be a Code of Practice for Boarding/Lodging Houses which would be “in some way binding”.

The recommendations included “Incentives to increase investment in private rental housing” and proposed tax breaks for landlords and easing planning laws for building rental properties. For example, land tax on rental property was cited as possibly contributing to “the continuing exodus of investors . . .”.

Finally, the report found that: “There has been a recent proliferation of costly non-Government tenancy services throughout the State.” It recommended that: “The Minister dispense with funding for non-Government tenancy services which overlap and duplicate the Department of Housing’s own Tenancy Service of the Real Estate Branch.”

The report of the ‘Ministerial Inquiry into Homelessness and Provision of Affordable Accommodation in the Inner City of Sydney’ was recommending that the Minister should defund the Housing Information and Tenancy Services (HITS) Program, which provided a service for tenants throughout NSW.

When you have to bite the hand

Labor’s Residential Tenancies Act was still not law, and Joe Schipp wanted to make a number of amendments to the Act before it became law. The most significant amendment was for tenants who were two weeks behind in their rent to be given only seven days’ notice to end the tenancy, instead of fourteen days. The Tenants’ Union opposed the amendments, which it said were ‘pro-landlord’.

Bruce Murrell (ex-Real Estate Institute representative): “We’d have made submissions, because if you don’t get what you want you try again. Any change of Government means a chance to get anything reviewed.”

The funding of the Tenants’ Union and the tenant services appeared to be under threat as soon as the Coalition was elected. The Tenants’ Union and the services had

to make a political decision: if they campaigned for law reform would this further threaten their funding, and if so was funding for tenants' services more important than law reform for tenants? They decided that better laws were more important than services for tenants, and it looked like the Government would cut their funding anyway. The tenant organisations launched a campaign to stop the Government's amendments, knowing that this put their funding and jobs in greater danger. They placed an advertisement in the 'Sydney Morning Herald', attacking Schipp's proposals. The Tenants' Union lobbied the Labor Party and the Democrats to block the amendments in the Upper House, so the Act couldn't be changed. Did Joe Schipp mind?

Robert Mowbray: "Of course he did. It was the final nail in the coffin. I'm sure the services put their names to that advertisement knowing that they would be defunded, but they felt they could not compromise with the Government of the day."

Harvey Volke: "Schipp's senior policy adviser quite deliberately linked the legislative reform agenda to the refunding process. Either the services would shut up for fear of losing their funding, or if they didn't shut up they'd be chopped anyway. Inadequate though it was, the bloody legislation was a damn sight better than what we had before. I don't think it was smart to oppose it root and branch. I still believe the TU made a fundamental tactical blunder."

Joe Schipp called for a departmental report into the HITS Program. The departmental report recommended that funding of HITS should continue, but these recommendations were not made public. Unfortunately, the Program still wasn't properly established; the last services had only opened in 1988. Also, it hadn't been evaluated. This meant it was hard to show how valuable the services were. Gary Moore says: "Had the interest in defunding HITS been a year later it would have been a lot harder for the Government to knock it off."

Axed

The end of 1988 was an intense time. The services were under threat and the Tenants' Union was lobbying Labor and the Democrats to hold firm against Schipp in the Upper House of Parliament. There was a stand-off over the Bill, and it looked like Schipp could 'bury' it. If that happened there'd be no new law at all.

On 2 December 1988 Joe Schipp announced that the HITS Program of tenants' advice services would be completely defunded, as of 30 March 1989. Just before Christmas is the normal timing for announcements like this, because it's hard to organise campaigns and get the public's attention over the sleepy New Year holiday period. Joe Schipp said tenants could get help from the Department of Housing's counter staff, and its Tenancy Service, a small unit that only gave brief telephone advice. The Department of Housing was and is the largest landlord in NSW, and its Tenancy Service advised public tenants on disputes with their own department.

Harvey Volke was working for the Department of Housing when HITS was defunded: "It was done pretty sneakily. The first we heard was when Michelle Burrell from the Housing Information and Referral Service rang me up and said 'What's this on the news about HITS being defunded?' I'll never forget the smirks on the faces of the bastards in the know that morning."

Journalist Dick Emery of Radio 2CO in Albury interviewed Joe Schipp on December 7, 1988. The Minister made it clear that one reason for defunding the TAHRS network was their campaign on the new tenancy law:

Joe Schipp: “These services actually worked against the legislation that we were trying to put into Parliament, which would help tenants . . . I just can’t understand how they can claim to have the interests of tenants at heart.”

Dick Emery: “Would that have been another reason for defunding them anyway?”

Joe Schipp: “Oh, partly, because right through the report it was saying they had a role to play in the new legislation. Well, the new legislation hasn’t occurred . . . so therefore they don’t have that function.”

Schipp wrecked

The network organised a short, public and unsuccessful campaign to have the services refunded, which involved a lot of puns like the one above. Although the Tenants’ Union knew defunding was likely, they weren’t really prepared when it happened.

Sue Creek recalls how they responded to the announcement: “Shock, anger, and in some ways an inability to come to grips with the threat of being defunded. It was on the cards for several months with the change in Government. One of the first things they did was to set up the Raine Inquiry. A lot of energy was put into trying to counteract that decision. Some of the tactics used put the Government totally off-side—taking to the streets, sit ins, that sort of thing. For workers in the network it was a time of great uncertainty. People started to move on to different jobs; redundancy pays started coming up for others, but how to restructure the organisation in the likely event that it was defunded wasn’t really addressed until it happened.”

The network of HITS services, with sixty workers around NSW, lost all of their funding. The Tenants’ Union lost all of its Government funding except for one worker under the Commonwealth/State Community Legal Centres Program. This was the darkest time for the organisation.

Schipp interview after services axed

Reverend Gordon Moyes, Radio 2GB, interviewed Housing Minister Joe Schipp on 4 December, 1988.

Moyes: Well, there have been people that have indicated you called that [Raine] Inquiry in order, for example, to get rid of funding for advisory services for tenants.

Schipp: Well, if that’s the way they want to think about it then I’m sorry for them.

Moyes: Well, that was one of the main conclusions in the report, as I’ve read it. And Joe, you know as well as I do that a Minister never sets up an inquiry unless he knows beforehand what that inquiry is going to produce.

Schipp: Well, I wonder what sort of Minister is doing that, I'm saying to you I did not do it that way, I did not give any written instructions, there was no hidden agenda, and if people don't want to take it for what it is, on the level, above board, then we're not getting anywhere fast. I just feel sorry for the people who are making the commentary that you suggest they are making. I won't accept it, to be quite honest, because it was never done that way, there was no hidden agenda and I won't stand by and let people accuse me of that incorrectly.

Moyes: Well, would you like to explain the background of the members of the committee so that the public can hear who they were.

Schipp: I chose Mr Raine without knowing the gentleman at all. I was at a meeting of landlords, if you might call them that, property owners, and he was giving them a dressing down on their obligations on assisting the low income people in low cost accommodation, and he did that, I thought, very professionally. He did it in a way that I thought he had the feel of the thing. So then I phoned him and asked him could he come and have a talk to me. I found his background was that he had a long experience in the provision of low cost accommodation. I've know Mrs Shirley Ball for a long time, she's lived all her life in boarding houses.

Moyes: Perhaps before we go on to Shirley, could we just say that Mr Raine is in the field of property development and real estate sales.

Schipp: So what?

Moyes: I'm just making that point.

Schipp: Yeah, well, so what though?

Moyes: Because that's where he would be coming from?

Schipp: But he knows the Sydney property market, he knows where we should be looking to provide this sort of accommodation. I mean I will not accept criticism of the man, he put his heart and . . .

Moyes: Mr Schipp, you've made two points already. One, you didn't know him when you wanted him on the committee, and the second thing is you won't accept any criticism. Now, as a Minister, that doesn't seem to be a very open-minded attitude.

Schipp: Well, I'm not going to accept this raw-boned, knee-jerk reaction that just seems to be the only, the first blind point as far as this Report is concerned. I didn't come on your program to get into a discussion or argument over Max Raine. We want to talk about the Report.

Moyes: Alright, let's talk about Shirley Ball, would you explain to our listeners her background and her interests.

Schipp: A life long involvement in boarding houses.

Moyes: In what capacity, as a boarder?

Schipp: She grew up in boarding houses, with her mother running boarding houses, and also, look you don't have to be a boarder to know what a . . .

Moyes: What's her professional role though?

Schipp: She owns, or is a landlady, of a boarding house down at Millers Point, and has been for a long, long time.

Moyes: OK, so one man sells them and another runs them.

Schipp: I'm sorry for your attitude. Really, I did not expect this from a person of your calibre, and if you want to carry on that way, I don't want to carry on this conversation.

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February 1989.

AXED!

HEY JOE, WHERE YOU GOING WITH THAT AXE IN YOUR HAND?



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JOE SCHIPP : MINISTER FOR HOUSING

Produced by the Tenants Union of NSW 68 Bottington St. Millers Point. Tel: (02)27 3813



Front cover of 'Tenant News' February 1989, soon after funding was cut to the Housing Information and Tenancy Services (HITS) Program.

Chapter 5

The Dark Ages 1989–1992

“We basically spent those years of defunding going to every public forum and saying ‘by the way, we want the tenants services refunded’, and every submission we could write to an inquiry was ‘we want the tenants services refunded’.” Mary Perkins

The final Act

During 1989 negotiations continued between the NSW Coalition Government and the Labor Opposition and the Democrats over the Residential Tenancies Bill, and the Tenants’ Union remained very involved. Schipp finally backed down on many of his amendments and the Residential Tenancies Act 1987 (as amended) came into force in October 1989. It included a Residential Tenancies Tribunal and some important changes in areas such as repairs and privacy. But it did not include protection from unfair evictions or unfair rent increases, the reforms that tenants needed most. Eleven years after Syd Einfeld set up his Landlord and Tenant Act Reform Committee, the new Act was only a partial victory. The Tenants’ Union was certainly in no mood to celebrate its arrival.



Press conference on the new tenancy law 1989. L-R: Ron Dyer, then Labor’s Shadow Minister for Housing; Clover Moore, Independent MP; Richard Jones, Democrat MLC.

Tenancy, it's a funny old game

Peter Berry: “There’s just so many stories that come up you’ll hear once and you’ll never hear again. Like houseboats sinking because someone stuck all the books on one side of the boat and it tipped over. And we had to get legal advice on whether it was tenancy because was it on land, or was it on water, and the advice was well, if it had been marooned out on a sandbank then it would have been on land, if it was above the high tide mark it would have been, um . . . Some of the unusual situations like in country areas who’s responsible for pulling the dead possums out of the water tank.”

Peter Berry (Department of Fair Trading): “The Government, perhaps to some people’s surprise, virtually left it intact and brought it in. But I think it was a general recognition that it was appropriate that there be some sort of regulation of the industry, and that there were problems which had to be addressed.”

Salvaging the wreckage

In 1989 the Tenants’ Union had to pick up the pieces. The organisation had to manage a huge level of demand generated by a program of services that had disappeared, and had to simultaneously deal with a new Residential Tenancies Act.

When the HITS services wound up they were obliged to pass on any surplus money to a similar organisation, and from some of this money the Tenants’ Union employed a part-time second worker. Ironically, for the first time the Tenants’ Union had plenty of office space for its staff. Gary Moore came back on to the Board as Secretary and Sue Creek was employed as the full-time worker. It was like a suicide mission.

Gary Moore: “I walked back on to the Board with the realisation that the organisation was moving from an eight-worker to a one-worker organisation. The Tenants’ Union was decimated.”

Sue Creek: “It was incredibly challenging. Almost overnight we went from sixty full-time specialist workers around the State to one worker at the Tenants’ Union, and five weeks later they introduced the first major overhaul of tenancy legislation in the State in nearly one hundred years. So not only did we have no staff around the State, but all our printed materials became obsolete at the same time. This also increased the demand for resources and information from other people on the ground who may have been able to assist. The other thing was an enormous loss of policy expertise and corporate history, which made it very difficult to engage in policy debates with State and Federal Governments. There was also a loss of personnel from the Board. Morale was very low in the organisation. The amount of work required of staff and Board members and volunteers, to pull us through this period, was enormous.”

The strategies the organisation used to rebuild were to get help from other organisations, let the public know the Union was still there, push to get the tenants’ advice services refunded, ask everyone for more money, produce good quality publications and charge people for them, say ‘no’ a lot, and work too hard. At every

opportunity the Tenants' Union pointed out the bad effects of defunding the tenants' services, and what a poor decision Joe Schipp had made. But at the same time it worked to convince new politicians and bureaucrats that it was a credible organisation.

The 1980s was a very symmetrical decade for the organisation, starting and finishing with one-and-a-bit workers. What they had to show for it was an improved but still unfair law, and a lot of experience in setting up a program of services.

Sandra Koller joined the Board of the Tenants' Union in 1990: "Amazingly, Sue Creek kept it running, in the meantime her main attack was still on policy. It was her enthusiasm that kept it going, and many hours of unpaid labour. There was still a service, still information going out, despite the fact that there was no money."

Getting more money was a big priority. Funding from the Legal Aid Commission grew from one worker to two-and-a-quarter by 1993, benefiting from the general increase in Community Legal Centres funding during that period.

Rebuilding a network

A network of voluntary advice services was re-established in 1989, using some of the same community organisations that had been involved in earlier years. With their help the Tenants' Union kept operating its phone advice Hotline.

Sue Creek: "South Sydney Community Aid, which had been the initial home of the Tenants' Union, was still there when we needed them and they came back on to the Hotline. A number of community organisations and individuals like that stepped into the breach."

The network of funded tenant services didn't disappear completely. In 1989 five defunded services in Western Sydney pooled their surplus money and set up the Western Information and Tenants Service (WITS) for a year, with Paul Mortimer as the lone worker. John Nicolades, who had been with Shelter, started working with the Board for Social Responsibility (BSR) of the NSW Uniting Church. He helped convince the BSR to fund a two-person service in Western Sydney for three years, and in 1990 this started as the Western Sydney Tenants Service (WESTS), around the time WITS ran out of money.

Waverley Council funded a part-time service at Bondi Junction, and Randwick Council put up the money for a one-day a week service at Maroubra. North Sydney Council also funded a part-time service at Kirribilli.

Dreaming of a new Program

In 1989 the HITS Program had just been defunded, so a new program of funded services was not likely for some time. The Labor Party in NSW was committed to refunding a network of tenants' services, but a Labor Government looked at least two elections away. There was no guarantee about what sort of a network Labor would fund, or how many services. Still, the Tenants' Union didn't give up on the idea.

Gary Moore: “It was an early thought that at some point in time a new program of decentralised services was on the cards. It obviously wasn’t on the cards in 1989, but possibly with the election of a Labor Government again.”

Coping with a new law

When the Residential Tenancies Act became law in October 1989, the Tenants’ Union set up the Tenancy Legal Working Party (TLWP), to come to terms with the new law.

Sue Creek: “The TU brought together a large number of organisations and individuals to work on tenancy. The Board for Social Responsibility, Combined Pensioners, the Community Legal Centres network were invaluable. The Tenancy Legal Working Party was established because of the dearth of expertise available on tenancy matters and the introduction of the new legislation. We didn’t quite know what it all meant, we were all learning together. Very soon, the TLWP started to focus on law reform and policy issues.”

Under the Residential Tenancies Act the Residential Tenancies Tribunal is given the power to make legal rulings according to the Act and settle disputes between landlords and tenants. The Tribunal is meant to be less formal than a court. It costs only \$20 to apply for a Tribunal hearing, there are usually no other costs and usually no legal representation. One Tribunal ‘member’ hears each case and makes ‘orders’ which are legally binding. The Tribunal does not usually have to follow strict rules of evidence and members do not have to follow decisions made by other members, so the Tribunal has great flexibility. The way the Tribunal operates and how it interprets tenants’ rights is crucial.

When the Residential Tenancies Act became law in 1989 a new Chair of the Tribunal, Ray Collins, was appointed, and several full-time and part-time members. The Tenants’ Union was very concerned about the Tribunal when it first began operating under the new Act. Tenants were rarely allowed representation but most landlords employed estate agents who could act on their behalf in the Tribunal. The Department of Housing was represented by their property managers, who were usually experienced as advocates in the Tribunal. (It should be noted that the situation has changed since then, and the Tribunal now regularly allows tenants to be represented by a tenant advocate.) Also, as the Tribunal did not have to follow its previous decisions, it was difficult to know how the Tribunal would normally rule on a particular matter. A survey was carried out at the time by the Tenancy Legal Working Party of the Tenants’ Union, to see if tenants were being represented or getting a fair go in the Tribunal.

Sandra Koller: “We got volunteers from lots of legal centres and staff to sit in the Tribunal and we produced this great, big, long survey and we observed Tribunal proceedings. Just the fact that tenant advocates were in there watching probably did make a difference at a formative time. We had ninety questions, it was sort of like someone’s PhD thesis where it should have been short and sharp. It answered a few key questions like, what was the effect of representation? Who really had representation? It got some press coverage and gave us a tool to get into the Residential Tenancies Act Consultative Committee. It gave us some credibility there, people either loved it or hated it.”

The committee in which to consult

When the new Act started in 1989 the Tenancy Commissioner, who administers the Act, set up the 'Residential Tenancies Act Consultative Committee', where different interest groups could talk to the Commissioner about how the Act was working. The Tenants' Union and the Combined Community Legal Centres were both invited on, as were the Real Estate Institute, Property Owners' Association and the Law Society.

Sue Creek: "It's very important to keep a profile in those major Government policy forums. Not so much for what you concretely achieve in that forum—the main achievement was to prevent the property lobby from making changes which would have adversely affected tenants. But the contacts which are made with people who do make policy changes, it makes it easier to negotiate other matters outside those forums."

Peter Berry (Department of Fair Trading): "That's one of the big changes in recent years, there's been a lot of consultation between the various players and the Department. Consultation between the players is much more sophisticated and much more co-operative than perhaps in the early days. Sue was a forceful speaker but had a good grasp of the issues. We were never left to doubt about how the Tenants' Union felt, put it that way. There were no half measures when an issue was put."

Protected tenants

In 1985 it was estimated that there were around twenty to thirty thousand protected tenants in NSW, but it is likely there are far less now. They have greater legal protection from rent increases and eviction than tenants covered by the Residential Tenancies Act. In 1989 the Coalition Housing Minister, Joe Schipp, set up a registry of protected tenants, the stated aim being to abolish protected tenancies over a five-year period and rehouse these people in public housing. Many protected tenants did not contact the registry, perhaps afraid of what might happen. Only 776 were registered by 15 August 1990. The Tenants' Union was concerned that there was not enough vacant public housing for the protected tenants. The plan didn't go ahead and there are still protected tenants in NSW.

Boarders and lodgers

In the inquiry into the 'deep sleep therapy' disaster at Chelmsford Hospital, it was found that many people with psychiatric disabilities were living in boarding houses with no medical supervision or legal rights as tenants, and it was recommended they be given some legal rights. The media exposed atrocious conditions and abuse by boarding house managers, and in 1991 the Housing Minister, Joe Schipp, introduced the Boarding Houses and Lodging Houses Bill to Parliament. It only applied to boarding house residents, not people in share housing; it allowed their rent to be increased with only 10 days' notice and allowed them to be evicted for no reason with only 7 days' notice.

The Tenants' Union felt that the Bill did not give boarders enough protection, and it certainly gave less than given to tenants by the Residential Tenancies Act. A coalition of community groups, including the Tenants' Union, formed the 'Boarders and Lodgers Action Group' (BLAG). BLAG worked with the Labor Opposition, non-

aligned Independents and Democrats to try to get a better law. Amendments were drafted to the Bill but these were strongly resisted by boarding house and hotel owners. The Minister and the boarding house and hotel owners wouldn't budge and wouldn't agree to the amendments. Finally, Schipp withdrew the Bill altogether. Boarders still have few rights in NSW.

Still getting the message out

As in the early 1980s, the Tenants' Union needed a media profile to give it some leverage when arguing with the State Government for law reforms and services. With few staff they just took every opportunity they could. Absolutely everything they produced got an official launch and press release. A tenancy video was dubbed in twelve languages, and despite law changes and funds running out in 1989, it was finally launched in 1990. The launch involved playing the video in twelve languages simultaneously (not with all of the volumes on at the same time), which made a good impact in the ethnic media.



Helen Wellings, then presenter of ABC TV's 'The Investigators' launches the 1991 Tenants' Rights Manual.

The Law Foundation of NSW funded a new Tenants' Rights Manual in 1990. For the first time a consultant was engaged to produce the publication and a publisher was involved. Two thousand copies were printed and the publisher distributed the Manual through mainstream bookshops. For the previous edition 200 copies were printed for internal distribution to tenant advisers only. The new Manual was launched by Helen Wellings, then presenter on ABC TV's 'The Investigators'.

Keeping on track

When things are hard you have to remain clear about what you're trying to achieve. This requires planning and discussion to help everyone in the organisation understand and agree on its objectives. These objectives will reflect the ideologies and values of the people involved.

Sue Creek: "It became apparent time and time again that people had many different understandings of where the Tenants' Union was at, what its vision was. One of the objectives of instituting regular planning days was to give people an opportunity to discuss those things. I felt the Tenants' Union was based on a shared understanding of the importance of housing to quality of life, and the inequities in the housing system, with private tenancy being at the bottom of the tenure forms. And a shared commitment to change, to a social-justice type approach to addressing those issues. We weren't just about giving advice, we really were trying to change the playing field."

The 1991 elections

The Greiner Government called a NSW election for May 1991 and looked unbeatable in the polls. The Tenants' Union decided to leaflet three marginal seats. The Tenants' Union did not expect this to have much effect on the election outcome, but intended the leafleting to show politicians that tenancy issues were still very much alive. Candidates were asked about their policies on matters affecting tenants, and their answers and past record on these issues were summarised in leaflets. In two of the electorates the Labor candidate probably appeared to have the best policies and record for tenants, and in the third electorate an Independent probably looked the best. Thousands of the leaflets were letterboxed by a dozen people.

Gary Moore explains the strategy: "Part of it was to say tenancy issues were quite significant, part of it was because we wanted to have a profile. And although we didn't come out and say 'vote for Labor' it was quite obvious that we were eager to say that, given Labor had introduced reforms. It was really a political decision."

Sue Creek: "It was a strategy to let the Government know we were still around, and hopefully a force to be recognised. How much impact we had was debatable, but the candidates that got up were ones that we had supported. The long-term effects were also important, like the linkages that were fostered with Clover Moore."

To everyone's surprise Greiner and the Coalition parties came close to losing Government in NSW. At the time many commentators attributed this to NSW voters being tired of funding and service cuts. That election changed the political balance in NSW. It was also a turning point in the fortunes of the Tenants' Union.

A by-election for The Entrance state electorate was held in January 1992. A dozen supporters of the Tenants' Union drove up to the Central Coast and repeated the leafleting tactic, targeting the areas with greatest numbers of tenants, including caravan parks. Labor's policies and record for tenants were better than those of the Coalition and this was clear in the leaflet distributed. Labor won the seat from the Liberals. Greiner still held Government but now had to rely on non-aligned Independents in the NSW Lower House to pass any new laws. The Tenants' Union had leafleted the electorate of one of those three Independent Members of Parliament, and that Member's good record on tenancy issues may have assisted their election.

Time to make plans

Labor was committed to funding tenants' advice services, although they had not provided any detail of what they would fund. If the Labor Party won any more State by-elections it could become the Government in New South Wales, so it was time to plan for this. The Tenants' Union decided to prepare a workable model for a new program which it could sell to the Labor Party. The new Labor Shadow Minister for Housing was Deirdre Grusovin, who had earlier contact with the Tenants' Union about tenancy law reform, when Labor was previously in Government and she was Minister for Consumer Affairs. The Tenants' Union began to build up good communication with the Shadow Minister.

Robert Mowbray: "There were two models put forward. One was basically establishing branches of the Tenants' Union, which would provide services. The second was more pragmatic and the one we pushed. It placed services with existing community groups and legal centres, rather than having independent, incorporated organisations like under the old HITS Program."

Gary Moore: "I was keen that we used existing bodies, because it seemed so much more sensible. The Tenants' Union is a member organisation running as a co-operative, it would be difficult having independent, existing bodies become branch members or forcing them to change their constituency to become member organisations. There was quite a bit of debate on whether the Tenants' Union was really a member organisation or not. A third thing is just the damned difficulty of getting a true member's organisation, looking at other bodies in the community sector for examples, of which we could think of about none."

The model decided on was for twelve regionally based services throughout NSW, with two workers each attached to existing organisations such as Community Legal Centres or Community Centres. There would be specific components of the Program for Aboriginal tenants and tenants of non-English speaking background, but no detail was worked out for these components. The model recommended an organisation to resource the network, as the Tenants' Union had resourced the earlier Housing Information and Tenancy Services (HITS) Program. The total price tag of two million dollars was less than the budget for the earlier HITS Program. Under the political circumstances this was considered more likely to be accepted. In early 1992 this model was given to Deirdre Grusovin to consider.

HomeFund

Deirdre Grusovin was also busy at that time with HomeFund. Under the HomeFund Scheme for first home buyers, people could buy a home with a small deposit. Their early loan repayments were relatively small, but they increased gradually. The Scheme presumed that the borrower's wages increased and their property's value went up. Joe Schipp expanded HomeFund from 1988 and used it to give loans to people on low, fixed incomes. In hindsight, it was a catastrophe waiting to happen.

Mary Perkins: "HomeFund was targeted at very poor public and private tenants as a way of achieving the Australian dream. We moved into a recession, wages went down, unemployment went up, the target group were the ones most likely to be unemployed, property prices stabilised or went down. People owed more than they had originally borrowed, and more than the value of the house, and the trouble started there."

When interest rates went down, HomeFund interest rates stayed high, and by October 1991 HomeFund interest rates were higher than for normal bank home mortgages. Those who could negotiated a cheaper loan with another institution and left HomeFund, but many people were trapped. HomeFund started to crumble. FANMAC, the finance company involved, received a large sum of money for its involvement. Investors in HomeFund, called 'bond holders,' had their investment guaranteed by the State Government, and so the NSW taxpayers owed the bond holders hundreds of millions of dollars.

By early 1992 Deirdre Grusovin was asking the Housing Minister questions in State Parliament about HomeFund. HomeFund was damaging the Government, but the Housing Minister, Joe Schipp, would not recognise that there was a serious problem with the scheme. Nick Greiner quit as Premier and left Parliament because of the 'Metherill Affair', and was replaced as Premier by the more populist John Fahey. By mid-1992 the Government was haemorrhaging badly over HomeFund, and Fahey sacked Joe Schipp as Housing Minister. His passing was noted.

Caravans

For many years before the new tenancy laws were introduced in 1989, a lot of people lived permanently in caravan parks, including pensioners who wanted to retire to the seaside, and people who couldn't afford more than a caravan. Under the 1989 law they got legal rights as tenants.

In 1991 the Combined Pensioners and Superannuants Association (CPSA) received Government funding to let tenants around NSW know how the law should work. The Parks and Village Tenants' Association (PAVTA), was made up mainly of mobile home owners who rented their site in a caravan park. They tagged along to the meetings and formed branches at nearly every one. The history of the caravan tenant groups is complex and marked by several splits, formations, name changes and personality clashes.

The law seemed to have a hole in it for these people, as noted by Channel 9's 'A Current Affair' program in 1991. Mobile home-owner tenants, who applied to stop a rent increase, got 60-day termination notices the next day. Mobile homes cost thousands of dollars to shift. The tenants decided to leave, but on the program they said that they wanted the law changed.

The journalist from 'A Current Affair' told the Tenants' Union that the tenants didn't fight the eviction because they did not have confidence in the Residential Tenancies Tribunal. She said that in a previous case these same tenants had given help to another tenant, who asked the Tribunal to rule that their eviction was retaliatory. The Tribunal member dismissed the tenant's application and told the tenant "now you know how it feels like to be a shop steward".

Mobile home owner/tenants fought a long campaign and finally got a much better deal under the The Residential Tenancies (Caravan Parks and Manufactured Home Estates) Amendment Act 1994. It was supported by all groups in Parliament.



Tenants of the Lansdowne Caravan Park outside Liverpool Court House where they won a landmark case in 1995. At the front is Des Sheehan, then on loan to the Tenants' Union from the Legal Aid Commission, next to him is Di Evans, then of Western Sydney Tenants Service. The two people standing on the verandah between the first two pillars are Penny and Ron Zwarenkant, two of the tenants, who often acted as representatives for the others.

Doing the media thing

Len Pretti operates an estate agency in South West Sydney, and takes a hard line on tenants. In 1993 on TV's '60 Minutes' program he let himself be filmed giving tenants a hard time and described some tenants as "mongrels". He said, "I don't like the law so I just take matters into my own hand," and of his car's bull bar said, "Its very handy with garage doors, you just drive the car straight through." Len Pretti and then the Tenants' Union played the media game for free publicity. A few days after the '60 Minutes' story, Sandra Koller ended up representing the Tenants' Union on the TV 'Midday Show', hosted by Ray Martin.

Sandra Koller: "There was myself, Len Pretti and his wife, and a tenant who said the fantastic quote 'if this fella had the Taj Mahal going for two dollars a day I wouldn't rent it off him'. The key point we wanted to make was that Len Pretti was a maverick. If you have dealings with someone who treats you badly go to the Tribunal and get advice from the Tenants' Union. We managed to get that across, but it wasn't very easy because Len Pretti and his wife were experienced at talking very quickly and we were not."

Len Pretti made such a big impression with the general public that '60 Minutes' decided to have a studio debate and the Tenants' Union felt it had to send people along. But the TV people had Pretti in the middle with a microphone, which meant that he had a big advantage, being able to speak at any time and talk over anyone in the audience.

Sandra Koller: "I don't think any of us got a word in edgeways. It was intended to appear controversial and I don't think tenants got a fair go. He could shout back. If the media really want to find someone they will and they could be more extreme than us, and that would not be in the interests of tenants. It was a defensive result. Perhaps in the future we would say we were interested but we'll do it some other way and see if they really want the story. We got a go on Ray Martin because there was just two on each side."

The outcome was that Len's business grew and so did the Tenants' Union's, with the Hotline phone ringing off its hook that week. They wanted the profile but couldn't deal with the extra caseload. The next time a TV program invited the Tenants' Union on air with Len Pretti the Union suggested they get some other estate agent and the story didn't happen.

Chapter 6

An opportunity 1992–1996

“I think that Webster was a huge difference. The door at that stage really did begin to re-open for the Tenants’ Union. Its obviously easier to negotiate with someone who hasn’t been involved in difficult times. The thing is that Joe Schipp was there at the defunding, and there was a lot of anger as a result. Having a person without that history of friction is an opportunity.” Sandra Koller

What a difference a Minister makes

In 1992 Robert Webster was already Minister for Planning when the new Premier, John Fahey, made him the Housing Minister as well. A National Party Upper House Member, he was also an able administrator and a political pragmatist.

The Mant Inquiries

By 1992 the Gyles Building Industry Royal Commission had been critical of the practices of the Department of Housing and the Land Commission. In 1992 the Independent Commission Against Corruption (ICAC) expressed concern over how the Department of Housing administered its maintenance contracts, involving \$100 million a year, and an Auditor General’s report was also concerned about the Department’s operations. In mid-92, to examine what was happening, Webster ordered an inquiry into how housing was provided in NSW by his Ministry. He appointed John Mant, a Sydney lawyer and former head of the South Australian Housing Trust, to carry out the inquiry.

The first Mant Report, in November 1992, recommended a complete restructure of the Ministry, which was carried out by Webster and his Department’s Director-General, Gabrielle Kibble. Shortly after the first report was released, Webster asked Mant to hold a second inquiry, into how client services were provided under the Housing Ministry. These client services included services for tenants.

The Tenants’ Union co-ordinated a submission to this second inquiry and put forward its model for community based tenants’ services. Attention was drawn to problems with the Residential Tenancies Tribunal and the Department’s Tenancy Service. Many of the workers in these services were dedicated and skilled, but by then the Tenancy Service was using recorded tenancy information, which was of little use to anyone with a difficult problem.

In Mant’s second report, released in June 1993, many of his recommendations were consistent with the views of the Tenants’ Union on a number of issues. He was positive about the Tenants’ Union’s model for services but fell short of recommending that they be funded. Robert Webster began to consider the recommendations of the second Mant Report.

HomeFund bubbles away

In 1993 Webster wanted to clean up the HomeFund mess. The Trade Practices Commission was asking the Government to compensate the victims, and the Auditor General threatened to give the NSW Government its first ever qualified audit, because the Government did not know how much money it owed due to HomeFund. Joe Schipp was dropped from the Cabinet altogether, and it was reported then that on at least one occasion he refused to come out of his office to attend Parliament.

Labor and the non-aligned Independents had set up a Parliamentary Inquiry into HomeFund, and it was all hurting the Government in the opinion polls. Webster wanted it sorted out in the last session of Parliament in 1993.

It was estimated that it was going to cost four or five hundred million dollars to pay out the HomeFund investors and compensate borrowers who had lost money, so the Government needed to find this money somewhere. Mant had identified that one hundred million dollars was being held by the Rental Bond Board, accumulated from the interest on tenants' bond money. In November Webster announced his HomeFund rescue package, which would include the Rental Bond Board money. This decision created a brief and once-only opportunity.



Naheda Chahal launches her report 'Migrant access to tenants services' at the Tenants' Union office in 1993. Nick Bolkus, then Federal Minister for Immigration, is bottom left.

Taking an opportunity

A number of things coincided in November 1993—it was like an alignment of the planets.

There was a new Housing Minister and Director-General, who were willing to listen to ideas put up by the community sector. A model for refunding tenants' services had been supported in the Mant Report. The Government was under heavy pressure to fix up HomeFund. A \$100 million surplus was held by the Rental Bond Board. The Government did not have a majority in the NSW Parliament, and needed to get legislation through Parliament before it could use the Rental Bond Board's surplus money.

Mary Perkins: "The window of opportunity was partly the HomeFund stuff, but we were also aware that there were several doors opening simultaneously. We had long since been campaigning that the tenants' services should be refunded."

It was clear that there was a lot of common ground and room for negotiation. The Minister met with representatives of Redfern Legal Centre, the Tenants' Union, Shelter, the Board for Social Responsibility of the Uniting Church and Western Sydney Tenants Service. The Director-General, Gabrielle Kibble, said that their proposal was consistent with the Mant Report, and an agreement was reached.

The agreement

Robert Mowbray: "The Minister undertook to set up a working party which would look at how a program of tenants' advice services would be funded. He also made a clear statement in Parliament that such a program would be implemented."

Sandra Koller: "It was a big achievement of the Tenants' Union to get that up and running. That one's pretty big. And it's also an achievement of the friends of the Tenants' Union who did a lot of the political negotiating. It showed the depth of the resources of the members and friends. We had people around who had the political experience to realise the potential in the situation, to actually obtain that funding, to assist tenants and at the same time assist HomeFund borrowers. The Tenants' Union owes them a debt of gratitude."

Getting it right

The Minister set up a Steering Committee to recommend on the type of program that would be established. The Tenants' Union and other organisations were represented, including the Real Estate Institute.

Robert Mowbray: "The recommendations of the Steering Committee, which was chaired by the Director-General of Housing and Planning, were very similar to the model pushed by the Tenants' Union."

The Tenants' Union found that Webster was a good Minister to work with, honest and open to debate. The Minister accepted the committee's recommendations, to provide \$2.2 million a year to fund a program which was based roughly on the Tenants' Union's model. In June 1994 he launched the Tenants Advice and Advocacy Program

A cheeky strategy

In November 1993 a friend of the Tenants' Union checked on the state of play with the HomeFund scheme, and the NSW Government's plan to use Rental Bond Board money to bail it out. That person says:

"I couldn't bear the thought of them using the Rental Bond Board money one more day. After all this time they're going to clean out that account for home owners, and as bad as HomeFund was, I thought this is not fair to tenants, tenants have no sorts of place to get advice, and now they're going to use the money to bail out their own bad economic decisions. And if that cost has to be borne, it has to be borne by the taxpayers as a whole. I was incensed, as is obvious.

"We basically had a meeting with the Tenants' Union and said 'hey, here's an opportunity to get the Tenants' Union and the services refunded'. We'd had that money targeted for ages for tenants' services, so why don't we say we'll lift our objection to you using that money as long as we get two million dollars of it a year for tenants' services. Initially the Tenants' Union thought it was a very risky strategy to run, but then the Tenants' Union was also very much involved in it.

"The crucial source of power was the hung Parliament in NSW. It didn't take a lot of work to get the Labor Party Opposition and the Independents to support our argument and our strategy, which was: no HomeFund bail-out without funding tenants' services, tenants have to get something back on this money that was theirs. What the NSW Government was saying was that the tenants of the State, the poorest people, were to pay the bill for HomeFund.

"We did most of it on the fax machine, so we didn't actually see these people very much at all. We liaised with the Independents and Opposition about what we wanted and the campaign. They held up the HomeFund legislation for about a week and meanwhile we were sort of trying to work out all the different players in the game and all that kind of stuff. I went half way through the week sort of running that careful strategy where you have to keep talking to everyone. You can't have anybody so pissed off they can't talk to you, especially when you're running a cheeky strategy. I think you can run cheek too far.

"And I rang up the Minister's Office basically, and said 'we're ready to talk, are you?'. I was a bit worried that he might not be wanting to talk to us. The reply was 'Yes, we want you here in half an hour.' So that left me in a pickle, because there's this disparate mob of people and we've got to get a bottom line and we've got to get it within half an hour.

"So I rang up Harvey and Robert over at WESTS and Sue from the Tenants' Union and John Nicolades from the Board for Social Responsibility, who was Harvey and

Robert's boss, and said 'you'd better get here'. We met and quickly hit our bottom line.

"And we went to see the Minister, and very quickly the deal was done. I don't think the Minister quite appreciated that we hadn't actually been to Parliament House before that day. Because at the end of the meeting he said 'Well, can you go and call the dogs off now?' Like, go and visit the Independents and Opposition. We had to stand there pitifully and say, 'Can you show us where to go? We don't know where they live.'"

(TAAP). At the end of 1994 the Tenants' Union was funded to be the 'resourcing body', to establish and co-ordinate the new services and provide them with training and resources. Organisations committed to tenants' rights were encouraged to apply for funding for the direct services.

In March 1995 the Labor Party won back Government in NSW. Tenancy matters and the TAAP Program were transferred to the Department of Fair Trading, under the new Minister, Faye Lo Po.

Second time around

In late 1994 the Tenants' Union began establishing the Tenants Advice and Advocacy Program (TAAP). Twelve regional and two Aboriginal services have been set up. Most of the regional services have a part-time worker to focus on giving non-English speaking background (NESB) tenants access to the services. There is also a specialist Caravan Parks service called the Park Occupants Information Service (POIS). The experience and information the Tenants' Union gained from setting up the HITS Program, in 1986 to 1988, has been invaluable in helping it establish the TAAP Program. The Program appears to be working well and its evaluation began at the end of 1996. For a second time, tenants in NSW can get assistance from a wide network of independent services.

Sandra Koller: "This was very, very exciting and a great relief, because it finally meant that we could offer more than a skeleton service, and scale up and provide more advanced advocacy and assistance, reach tenants all over the State."

Gary Moore: "It's certainly important from the NESB and Aboriginal development that has taken place. It's probably doing it far better than was being done in the TAHRS network in the mid-1980s."

Latest moves for law reform

The Tenants' Union and the Tenancy Legal Working Party have been working to reform the Residential Tenancies Act ever since it became law in 1989. In December 1994 the Independent Member of Parliament, Clover Moore, introduced to NSW Parliament a Private Member's Bill called the Residential Tenancies (Amendment) Bill. The Tenants' Union assisted Clover Moore to produce this Bill, which was aimed at reforming the

Residential Tenancies Act. The Bill lapsed when Parliament finished business at the end of 1994, just before the 1995 State election that put Labor into Government.

The Tenants' Union feels that there have been significant improvements recently in the way the Residential Tenancies Tribunal operates, which may make it easier for tenants to enforce their rights through the Tribunal. One example is the increased willingness to allow tenants to be represented before the Tribunal. A new Chair, Sally Chopping, was appointed to the Residential Tenancies Tribunal when the appointment of the previous Chair finished at the end of 1995. A number of other new members have also been appointed.

An important development took place when the Residential Tenancies Act regulations were reviewed by NSW Parliament. In August 1995 it became law that landlords and estate agents have to provide every tenant in NSW with a free booklet called 'The Renting Guide', at the beginning of their tenancy. The booklet outlines the basic rights and responsibilities of tenants and landlords, in plain English. In less than twelve months, one million copies of this booklet were produced by the Department of Fair Trading, who distribute it to estate agents and others. This has been an important step in giving tenants information about their legal rights.

In 1995 and 1996 the Tenancy Legal Working Party of the Tenants' Union has developed model tenancy legislation, containing many proposed reforms to the Residential Tenancies Act, including greater protection for tenants from unfair evictions and unfair rent increases. Also, as the 2000 Olympic Games will be held in Sydney, tenants will need protection from the high rents and mass evictions which often result from such events. The Tenants' Union will recommend that the NSW Government make changes to the Residential Tenancies Act, specifically for the period around the Olympic Games.



Graphics in tenants' rights factsheet for Aboriginal tenants, organised by Lana Mundine as part of the Tenants' Union's Aboriginal Community Education Project 1995.

Chapter 7

How we've done

“Private tenants are such a minority group within the population, in terms of their numbers, their poverty, the length of time that they stay. The Tenants’ Union has done a really good job of keeping the profile of the needs of private tenants high and rising higher. I get worried, now and again, about the amount of advice work we’ve done against the amount of reform work. It’s a tight-rope you will always have to walk. The test about what you have done to change the world, no matter how big or small that change may be, is one worth applying continually.” Mary Perkins

In 1975 the Tenancy Working Group, which preceded the Tenants’ Union, set out its aims at its first meeting (See Chapter 2, ‘Starting to organise’). Those aims were to:

- * bring together individuals and organisations concerned with tenancy issues,
- * make recommendations on policy matters relating to tenancy, and take action to secure a more equitable landlord-tenant relationship,
- * stimulate and provide support for tenants’ organisations.

It is striking how relevant these aims still are, over twenty years later. This is because the position of tenants and landlords has not changed fundamentally in that time. The Tenants’ Union has achieved a great deal but it has unfinished business.

A. Speaking for tenants

For twenty years the Tenants’ Union has spoken out for tenants through thick and thin (in the thick of it with a thin budget, usually) and is widely recognised as representing the interests of tenants in NSW. Ironically, the majority of tenants don’t know about the organisation and usually only find out about it if they need assistance.

In its early years the Tenants’ Union and tenant issues were not part of mainstream politics. The Tenants’ Union had to act outside the mainstream and raise its profile through various means. Gradually, the Tenants’ Union became recognised as the legitimate voice of tenants in NSW, was consulted by Government bodies and appointed to Government committees. Today the Tenants’ Union is able to promote tenants’ issues within the mainstream of politics, and has developed a sophisticated understanding of tenant issues and the rental market.

However, the Tenants’ Union still needs to do a great deal to place tenant issues on the political agenda. Too often, issues affecting tenants receive little attention, possibly because many tenants are from less powerful sections of our society. It is likely that tenants’ issues will become more prominent in the future, as more middle income people find it difficult to buy a home and become long-term tenants.

Sue Creek: “The organisation has been representing the interests of tenants for twenty years and I think that’s no mean feat. It’s been, at times, an up and down roller-coaster of a journey. We have become more sophisticated in our dealings with the



At the Tenants' Union 20th anniversary celebrations August 17, 1996. (L–R) Charlie Begg (founding TU member), Robert Mowbray (first TU Secretary), Margaret Barry (founding member of Shelter NSW), Viv Abraham (first TU Chairperson).

Government, its not just a 'them and us' approach. That we appreciate the political and economic constraints on Government makes them more willing to deal with us."

Bruce Murrell (ex-Real Estate Institute representative): "It's got a lot of publicity for certain things. There were a lot of problem areas and they've brought some of them to the Ministers' attention. They've changed the laws, some we've gone along with, some we thought were a pain in the bum. Generally I think most of the industry know of the Tenants' Union. They know that they are pushing tenants' interests."

Peter Berry (Department of Fair Trading): "Over twenty years I think the main and basic concerns of tenants have always been put. There's never been any doubt about where the Tenants' Union stood on major issues."

Robert Mowbray: "It certainly established an organisation which is now recognised. Whereas, in the days of Syd Einfeld, we weren't seen as a credible organisation with whom to consult."

B. Law reform

The Tenants' Union aims to achieve decent, secure and affordable housing for everyone. It has achieved some important law reforms, including the current Residential Tenancies Act and the Rental Bond Board. The Union is still working to get tenants fair tenancy laws, but it can expect resistance from estate agents and property owners.

Landlords and estate agents benefited from many of the reforms achieved through the Residential Tenancies Act in 1989. The Act did not change the basic legal relationship between landlords and tenants: landlords are still in a much more powerful position than tenants. A landlord in NSW can still evict a tenant for no reason or increase the rent once the 'fixed term' of the tenancy agreement is finished. Therefore, tenants are still very vulnerable and are often reluctant to enforce the rights that they do have.

To achieve real law reform the Tenants' Union needs to achieve a 'sea change' of public opinion on what is considered a fair law for tenants and landlords. At present, the Residential Tenancies Act places great emphasis on protecting the right of the landlord to make a profit from and protect their investment. It is reasonable that the landlord should be able to make a profit. However, there is an imbalance. Greater emphasis needs to be placed on protecting the right of the tenant to secure and affordable housing. This is a basic human right, but it is not protected by the existing law.

The Tenants' Union is arguing for reasonable law reform. It needs to promote its argument and win over public and political support. Public opinion can change and reform can occur: when there is a real need for reform; when the public and political leaders are clearly shown that reform is needed; and when the time is right. The time may well be right.

Mary Perkins: "There are things that have improved considerably, the bits that have to do with repairs are better. But when it comes down to the nitty-gritty, when it comes down to the security of tenure, the tenant is still 'push to shove' to be able to access remedies that the laws provide. The retaliatory eviction provisions in the new law have proved to be useless, as too have the excessive rent provisions. With the Tribunal, decisions on evictions are probably happening faster now. You used to be able to go into your local court and argue hardship and win time."

Regina Haertsch: "If the landlord does not give you a rent receipt there's a penalty of \$500, OK? Well that's really just great isn't it, because the tenant may still not get the receipt and all it has done is kept bureaucrats in jobs. If something a landlord has done is so serious, the tenant should receive the compensation for it, not the Government."

Bruce Murrell (ex-Real Estate Institute representative): "When the new laws came in, I felt they were less than fair to landlords, mainly on the grounds of notice. But the industry is fairly flexible and it moulds itself to suit what comes in, and we seem to have got used to this 60 days' notice to evict for no reason. In some cases it's very difficult to give the ground for your notice because you get into all sorts of strife if you do. One of the advantages of a residential tenancy is that the tenant is free to move around. Under rent control they are limited to one property. In theory, if rents are going up, investors will dive in and buy or build rental accommodation. Usually there's a lag and the things get oversupplied and the rents come down again. Remember that a private landlord is an investor, unlike the Government, and if he doesn't get a fair return on his investment he'll leave the market."

Sue Creek: "For all its shortcomings, and there are many, the Tribunal is a great advance on going through the local court system. Issues that were not previously addressed are now codified. There are rules to go by."

A major advance is the 'model legislation' being developed by the Tenancy Legal Working Party. With this 'model legislation' the Tenants' Union will be able to precisely identify what tenants need for a fairer deal, and it will provide a more effective mechanism for lobbying Government.

Sandra Koller: "The model legislation; it's great to see that we've done that, that's a great lobbying tool for the future. It helped us crystallise what our policy was, what the residential tenancy laws should say. The Tenancy Legal Working Party had to develop a sub-committee, specifically named 'the pedants' sub-committee, so that those of us that wanted to be really tedious and go over every single word of everything had somewhere to let all of this out without torturing our colleagues."

C. Tenants' advice services

The Tenants' Union has advised and advocated for tenants since it began. The 'Tenants' Hotline' has provided a phone service during office hours since 1978, and is a central part of the Tenants' Union. The Hotline has continued when there have been no or few other direct services for tenants.

The Hotline has been important in showing the need for law reform, keeping the Tenants' Union in touch with tenants' issues, and involving more people with the organisation. The Hotline was also important in establishing the need for a network of funded tenants' advice services. These are able to provide a broader service to a greater number of tenants in NSW.

It was a major achievement to have the Housing Information and Tenancy Services (HITS) Program funded in 1985, and the Tenants Advice and Advocacy Program (TAAP) funded in 1994. Ironically, by defunding HITS, Joe Schipp may have helped the Tenants' Union redesign and build an even better Program under TAAP.

The funding of TAAP appears to be reasonably safe. While the HITS Program never had support from the NSW Coalition and was defunded before it could be evaluated, the TAAP Program was funded with support from the Coalition and Labor, and its evaluation began in late 1996. Its second three-year funding period starts in mid-1997. Estate agents, also, seem to be able to live with TAAP. Over time TAAP will further develop its public profile and increase the knowledge of tenants' rights in the general community. Also, TAAP should develop and be expanded to provide more services for tenants in NSW. It is difficult for twelve generalist and four Aboriginal services to cover the whole State.

Tenants are arguably in their best position since 1968, when the rent control law was changed and the position of tenants began to deteriorate. Since 1989, NSW tenants have had a better law than they did for the previous two decades, and now there is also a network of services to help tenants enforce their rights.

Sue Creek: "The provision of services: I think we have a lot of pluses there. The Hotline was an innovation in its day that continues on. Involvement with the Hotline informs our policy decisions and gives us credibility in our negotiations with Government."

Thanks

Dear Sue,

I have already told you the good news, that Marie and I have been given a Dept. of Housing unit at Harbord, but I felt that I simply had to put it in writing. If you wish you may publish it in the newsletter.

Only those who have faced the prospect of being without a roof to shelter under can know the terrible fear that can well up in a person, and then to discover that there are still a few people who are prepared to do everything in their power to help you. Well, that's something else, because I am well aware that without the assistance and advice that was given by your office, I could not have handled the situation, and would not be in this unit today, and so, even though it really is inadequate, I want to say "THANK YOU" from both MARIE and MYSELF.

I guess it is in human nature to put something to the back of one's mind once things are OK which is a great pity, so am enclosing a small cheque, to renew my membership, and a little bit over as a contribution to the Union. Not as much as I would like to have sent, but I hope you will understand.

Once again, many thanks, Sue,

Sincerely yours,

George Gibson.

Extract from a letter received and printed in June 1990 'Tenant News'.

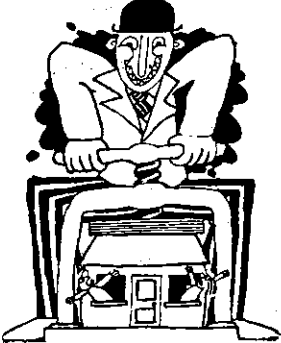
Sandra Koller: "Getting the tenants' services up and running is a star, shining light. That's very critical, we revived services to tenants."

Peter Berry (Department of Fair Trading): "TAAP is providing a service on a local basis and it's not putting the Government, which is meant to be an impartial administrator of the tenancy laws, in the position of taking a side. The fact that the Tenants' Union was awarded the resourcing contract is probably the pinnacle of twenty years. The fact that it's happened perhaps recognises that the Tenants' Union has been operating effectively for tenants around NSW."

Bruce Murrell (ex-Real Estate Institute representative): "I think [the TAAP services] are a good idea, yes. Because we have traditionally given people a document that sets out their rights and responsibilities. It's crazy if you know what you want them to do, but you don't tell them what you want them to do. If estate agents don't comply with the Act we've got no axe to grind if they're taken to the Tribunal. We've got to comply with the Act, so why shouldn't they?"

tenants !

is this happening to you ?



A FAIR GO FOR TENANTS

public MEETING on tenancy

SUNDAY 2 P.M. MARCH 20, 1ST FLOOR, PILGRIM HALL,
PITT STREET,
CONGREGATIONAL CHURCH, 264 PITT STREET, SYDNEY.

AUTHORISED BY SIMON CLOUGH, TENANTS UNION CO-OP.

FAIR GO FOR TENANTS

Tenants like yourself who have had enough of being pushed from pillar to post by some hungry landlords, and real estate agents, have formed the Tenants' Union of NSW to press for a better deal for tenants.

You will have noticed that it is getting harder to find a place in good condition on a reasonable bonds and rental terms.

YOUR PROBLEM IS OUR PROBLEM!!

We can get further by working together.

Join the Tenants Union now!

Send \$1.00 to:

Tenants' Union of NSW Co-op Ltd,
118 Regent Street, REDFERN. 2016.

Or Ring:

699 4073, 699 2260, Wednesday 5.30p.m. - 9.00p.m.

Come to our Public Meeting on MARCH 20, 1977,

SPEAKERS:

Mr. Syd Einfeld, Minister for Consumer Affairs & Co-operative Societies,
Professor R. Sackville of the Poverty Enquiry.

Early Tenants' Union leaflet handed out outside offices of estate agents. Advertising meeting held on March 20, 1977. Words of leaflet by Charlie Begg.

D. Getting information out

Knowledge gives people better access to justice. Tenants need information about their rights and obligations, how to avoid problems and resolve disputes, where to get assistance, and how the laws are failing and need to be changed.

The Tenants' Union has done a great deal to give tenants good information. The Union has constantly updated its information from casework experience and legal research. A Tenants' Rights Manual for advisers and a 'Your Rights as a Tenant in NSW' handbook for tenants have been updated and reprinted many times. Western Sydney Tenants Service developed a series of tenants' rights factsheets. There are leaflets, posters, reports and 'Tenant News', a regular newsletter.

The very first handbook was translated into five languages and the current factsheets are in twenty-six languages, with a smaller brochure in another eight. Four factsheets and a poster for Aboriginal tenants were produced recently by Lana Mundine, an Aboriginal worker (*See artwork page 60*). There has been community education, often through electronic and print media, including ethnic media. A great deal of community education is being carried out now by the TAAP services.

As well as information about tenants' rights, the Tenants' Union needs to produce information about when tenants do not have rights: the need for law reform to give more rights.

Sue Creek: "The TU has put considerable effort into preparing written and other resources, and getting that information out in appropriate ways to people of non-English speaking background. The organisation has also tried to find ways to address the needs of Aboriginal tenants. Over time there have been attempts to reach a whole variety of marginalised groups."

E. As an organisation of tenants

When the Tenants' Union formed, one of its objectives was to become a mass organisation of tenants, although no one knew if that was possible. The Tenants' Union has a creditable membership base, but law reform and developing services for tenants have been a higher priority than developing membership.

It is difficult to organise private tenants in NSW. They include many of the less well-off in our society. Also, they don't normally identify as being tenants, many hoping to become home owners eventually. It may be different if tenancy were more secure and considered to be more permanent.

A more active membership would be valuable in helping the Tenants' Union achieve its aims, and it could involve more tenants throughout NSW in its activities. At present there is a great deal of work done by members through the Board of the Tenants' Union. Few community organisations have a membership base and the Tenants' Union will need to look at other organisations for models of how to involve its membership. For members to provide voluntary work for the organisation, the Tenants' Union would need to allocate staff hours to co-ordinate and resource their work.

Robert Mowbray: "It's almost impossible to organise tenants where there are different types of landlords operating in the market. In one block of flats you can have twenty cockroach landlords. Where tenants don't have security of tenure it makes it very hard. Basically, the Tenants' Union will continue as a core of activists. But there need to be ways of bringing in new tenants, and certainly to bring in new blood so that there's a turnover, so there are new ideas coming in."

Mary Perkins: "For many tenants, what they want is a home they can live in with some sense of security, and to be involved in a life long campaign to get that is fairly daunting."

Sue Creek: "How to get broad-based support from tenants has not been very well grappled with. It's a double-edged sword. Demand for our services already greatly outstrips capacity, even though the great majority of tenants don't know about the Tenants' Union. If we were more successful in our publicity then the level of unmet demand would be even greater and frustration would be worse."

F. Overall

The Tenants' Union has continued its work despite many obstacles and changes. It operated without funding for its first three years. It was decimated in 1989, but survived with greatly reduced staff, and regained funds to grow again in 1994. The Tenants' Union has continued to fight for fairer laws for tenants, and it has won, lost and re-won services for tenants. Its resilience and achievements are a credit to the hundreds of people who have been a part of the Tenants' Union. The Tenants' Union has made a big difference, but this is an unfinished story.

Sue Creek: "Has the Tenants' Union made a difference? Absolutely. We never think it has done enough, but the big battles that we've been working on for years require a lot of commitment, a lot of effort and considerable expertise. Isolated individuals and small fragmented community organisations, working on their own, don't have the time or the clout to engage in that sort of battle."

Gary Moore: "There are very few organisations, particularly in the community sector, who have the experience of growing spectacularly and then having their knees chopped off, and then recovering. It just doesn't happen. Generally people don't have their knees chopped off, or they do and that's it. And to come back with a very clear perspective of what we were doing. . ."

Robert Mowbray: "The Tenants' Union, Shelter, . . . we came out of the anti-conscription, anti-Vietnam War and, later, the women's and anti-racist movements. We wanted to change the world, we got involved in housing, probably at the best we made a few changes."

Where to now?

The Tenants' Union has an important role in one small part of NSW public life. It cannot control broad political trends but like countless other organisations it does have some influence. With clear objectives and good planning it can take best advantage of political opportunities.

The main priority for the next twenty years hasn't changed: better laws. High rents and poor housing remain a major cause of poverty in NSW. The Olympic Games, to be held in Sydney in the year 2000, will cause even higher rents and mass evictions unless the laws are changed. The Tenants' Union has model legislation which would protect tenants against unfair evictions and unfair rent increases.

The Tenants Advice and Advocacy Program (TAAP), which funds tenants' services around NSW, must be made more secure. It should be reasonably safe if it is refunded in 1997 after the NSW Government has evaluated the Program.

As we go to print, Tenants' Unions around Australia appear to have survived the first budget of John Howard's Federal Coalition Government. The Commonwealth Government provides the Tenants' Union with funding as a Community Legal Centre. However, the Coalition appears determined to radically

change public housing in Australia, focusing more on subsidising the rents of tenants renting from private landlords. This is likely to become a major political battle in Australia; as usual we live in interesting times. The following is a summary of where the Tenants' Union of NSW should be headed, as proposed by various Tenants' Union members:

Law reform

1. Achieve law reforms for fair rents and fair evictions.
2. Achieve tenant rights for boarders.
3. Get tenants the right to representation in the Residential Tenancies Tribunal.

Housing

4. Focus on addressing the cost of housing in Sydney and NSW generally.
5. Have greater involvement in planning and urban consolidation.
6. Develop links with housing and community organisations.
7. Work for better housing through key Government committees.

Tenant services

8. Secure funding of the Tenants Advice and Advocacy Program.
9. Continue resourcing the Tenants Advice and Advocacy Program.
10. Continue running the 'Tenants' Hotline.'

Information

11. Continue providing written and other information in many languages and for Aborigines.
12. Have greater input into curriculum in secondary and tertiary education, for tenants, tenant advisers and estate agents.

Organisation

13. Build an active membership.
14. Build membership throughout NSW.

Management

15. Build the organisation's management skills through recruitment and training of Board members and staff.

Mary Perkins: "I don't think enough's changed to be able to say that it's going to be different. It's going to have to be secure, affordable accommodation. The actual core nature of the tenancy is as exploitative as it ever was a hundred years ago."

Board members and when they first joined Board

- 1976: Robert Mowbray, Robert Morrell, Charlie Begg, Peter Goldsworthy, Simon Clough, Beth Mitchell, Kate Holland, Viv Abraham, Andrew Bush
- 1978: Monica Macrea, Bev Barnett, Terry Findlay, Lesley Redwin, Mike Milston, Alan Stevenson, Pat Healey, Trish McDonnell, Ray Rauscher, Vince Hannebury
- 1979: Owen Gager, Julie Mathews, H Werry, Martyn Jones
- 1980: David Owen, D Geraghty, J Grey, Tony Kee, Jenny Ross
- 1982: Jack Carnegie, Julie Melbourne, Regina Haertsch, J Close, Nada Spasojevic
- 1983: Helen Sullivan, Terry Johnson, Gary Moore, Jean Currell, Meredith Foley, Sue Dawson, Peter Colley
- 1984: Julie Webb, Greg Combet
- 1985: Patrick Moyland, M Adams, Virginia Pidcock, Caitlin Perry
- 1986: Mary Perkins, Vanessa Jeavons, Christine Gibson
- 1987: Maree Callinan, Caroline McDonald, Carolyn Woll, Tracey O'Shea
- 1988: Elena Galtos, Adam Rorris, Simon Draper, Eric Elder, Anna Marie Antonio, Nick Warren, Gerry Fox, Michelle Burrell, Sonya Hendricks
- 1989: Martin McEwen, Michelle Strickland, F Kelso, J Connor
- 1990: Christine Bird, Colin Jones, Rita Wilkinson, Sandy Walsh, Beth Jewell, Sandra Koller
- 1991: Jenny Holdcroft, Alistair Hart, Lyn Broadfield, Paul Quinn, Shirley Woodland
- 1992: Mick Hillman, Elizabeth Hayes, Linda Dalton, Tracey Goulding
- 1993: Sarah Crawford, Katie Jenkins, Jake Rance, Jenny Fisher
- 1994: David Vaile, Sheryl de Vries, Catherine Stuart, Steven Smith
- 1995: Tim Childs, Mary Duxson, Donna Baines, Mark Gibian, Cathrene Clayton, Glenn Eggleton, Sunila Srivastava
- 1996: Louise Buchanan, Kylie Kilgour

Staff members

Reyna Dight, Harvey Volke, Mary Perkins, Regina Haertsch, Frances Press, Caitlin Perry, Kerry Dent, Paul Wright, Mary Anne Veliscek, Sue Creek, Jane Hearn, Christine Gibson, Margaret Cobb, Michelle Strickland, Lyn Broadfield, Peter Barling, Tracey Goulding, Sandra Morris, Martin McEwen, Charlie Aarons, Colin Robinson, Ted Lourey, Debbie Whitmont, Amanda Kenyon, Debby Michaels, Peter Cronau, Paul Mortimer, Megan Brooks, Tanya Vojsk, Naheda Chahal, Bob Clayton, David Ramsay, Des Sheehan, Duyen Vo, Toni Brown, Merlyn Vastrad, Jennifer Conley, Regina Bohler, Lana Mundine, Anita Odak, Sylvia Skelton.

'Hotliners'

Over the years many, many people have worked as volunteer advisers on the Tenants' Union's phone 'Hotline'. We do not have a record of all these people. However, people who did a shift for many years include 'Poppy' Bernhard, Brenda Maling, Sandy Ceissman, Jean Currell, Trish McDonnell, Marg Kirkby, Sandy Walsh and Christine Bird.

Our records have a few gaps, we apologise for any omission and would be pleased to hear from anyone who has not been acknowledged.

Further reading

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Morgan-Thomas, Eleri, 'Shelter: From There to Here', in "Shelter: National Housing Action", 10, 3, pp 27-33

Mowbray, Martin, 'Anatomy of a Rent Strike: Fairfield 1986', in "Shelter: National Housing Action", 3, 3, pp 13-19

Mowbray, Robert, "Towards a Better Understanding of Private Renting in New South Wales", Master's Thesis, Department of Town and Country Planning, University of Sydney, 1987

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Nelson, G. "The Politics of Rent Control in NSW", A thesis submitted to the Degree of Doctor of Philosophy, Department of Government and Public Administration, University of Sydney, 1977

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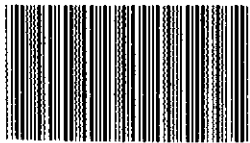
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History project interview tapes

Eight people were interviewed for this history project. The nine tapes of those interviews will be kept in the library of the Tenants' Union of NSW under the title of "Tenants Union History Project 1996".

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“Only those who have faced the prospect of being without a roof to shelter under can know the terrible fear that can well up in a person.”