

NEW ENGLAND AND
WESTERN
TENANTS ADVICE
AND
ADVOCACY SERVICE
INCORPORATED



ANNUAL REPORT

2020–2021

New England and Western Tenants Advice and Advocacy Service Incorporated



Tenant Advocate – Dubbo – Linda Grady
Tenant Advocate – Tamworth – Michele McGoldrick
Tenant Advocate Armidale – Emma Knight
Tenant Advocate – Remote – Mark West
Tenant Advocate – Remote – Melissa O'Donnell
Tenant Advocate – Remote – Julia Murray
Community Education – Chelsea Knife (not pictured)
Service Manager - Armidale - KerryAnn Pankhurst
Finance Officer – Armidale – Neil Scholes-Robertson
Assistant Service Manager – Dubbo – Tamara Newstead

NEWTAAS provides free information and advice on tenancy law, advocacy, community education, NSW Civil and Administrative Tribunal assistance, support and representation.

We provide our services to residential tenants of the New England, North West, Western and Far West areas of New South Wales.



New England and Western Tenants Advice and Advocacy Service Inc.

Find our offices at:

NEWTAAS
Minto Building 3
161 Rusden Street
Armidale NSW 2350

Disability Advocacy NSW
Suite 3, 1st Floor
422-426 Peel Street
Tamworth NSW 2340

Dubbo Neighbourhood Centre
33 Church Street
Dubbo NSW 2830

Contact us by:

- ♦ FreeCall 1800 836 268 ♦ Phone 02 6772 4698 ♦ Fax 02 6772 2999 ♦
- ♦ Email newtaas@gmail.com ♦

Our office hours are 9.00am to 5.00pm, Monday to Friday
If there's no answer, we're already on the phone. Please leave a message.

The Service provides face to face and telephone appointments by arrangement

New England and Western Tenants Advice and Advocacy Service Inc.

Annual Report 2020-2021

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Our Purpose Statement

In the New England, North West, Western and Far West areas of New South Wales, the New England and Western Tenants Advice and Advocacy Service Inc. will

- provide tenancy information and appropriate referrals to people who are renting,
- advocate for tenants in these areas whose life circumstances cause them to be unable to advocate for themselves,
- educate tenants and our communities about tenancy rights and responsibilities,
- deliver these services in a way that respects each individual,
- advocate for legal and social change to redress injustices and inequities in tenancy law, and
- be responsive to the needs of the community we serve.



Our Objectives

In the New England, North West, Western and Far West areas of New South Wales, the New England and Western Tenants Advice and Advocacy Service Inc. works to

- increase access to the legal system for the most disadvantaged people in the communities we serve,
- help clients be better informed of their tenancy rights and responsibilities and the options available to them,
- refer clients to other services when our Service is not able to assist them with their issue,
- work towards a more just, equitable and accessible society for all people, and
- ensure staff in our Service maintain high standards of professional conduct and service delivery.



The Management Committee

Anne Wolfenden – President (2017 – current)
Treasurer (2015 – 2016)



Now retired, Anne has worked in the housing space for many years. Anne brings her long experience in the provision and management of tenancies, and working to increase tenant participation in the community sector and social housing with her.

In addition, Anne's background in finance brings additional skills to the Committee.

Elizabeth Stahlut – Treasurer (2017 – current)
Vice-President (2015 – 2017)



Elizabeth is a solicitor with Legal Minds, an Armidale legal firm.

Elizabeth worked as a volunteer with the North and North West Community Legal Service while undertaking her law degree, and has been concerned with how tenancy law impacts upon the most vulnerable people in society since that time.

Chris Foord – Secretary (2011 – current)
Member (2010 – current)



Chris was a founding member of the NEWTAAS Management Committee in 2010.

Chris has a long history in local government and community services. Chris has had a lifetime involvement in working for people with disabilities, and is now a Disability Advocate with DA NSW.

Marjorie Henzell – Member (2010 – current)
President (2011 – 2017)



Marjorie was a founding member of the NEWTAAS Management Committee in 2010. Marjorie has a commitment to social justice and believes in a right to safe and secure housing.

Now retired, Marjorie was a Senior Social Worker for Human Services in Armidale, working with clients in the North West Region.

Brian Humphreys – Member (2013 – current)



Brian has a long interest in social justice. After many years with Centrelink, and then with Centacare New England North West, Brian has now retired.

Brian joined the Committee at the 2013 Annual General Meeting.

Jennifer Bourke – Member (2018 – current)



Jenny has many years experience in working with tenants in social housing. Recently retired, she understands the disadvantages and complexities that tenants often face in resolving their housing issues.

Jenny joined the Committee in June 2018.

Noel Marshall – Member (2019 – current)



Noel has extensive experience working with the most disadvantaged in the community, having worked for Housing NSW for nearly twenty years. He currently volunteers with a number of organisations in Uralla, and maintains an interest in community, community development and social fairness.

Noel joined the Committee in October 2019.

Management Committee Members as at 30 June 2021

Anne Wolfenden	President
Elizabeth Stahlut	Treasurer
Chris Foord	Secretary
Marjorie Henzell	Member
Brian Humphreys	Member
Jennifer Bourke	Member
Noel Marshall	Member

President's Report



Again this year we have seen the challenges to the service that the COVID-19 pandemic has brought to service delivery and staff.

Fortunately we have fantastic staff and our service is perfectly set up for remote service delivery.

The staff have delivered a great service to tenants in trouble by doing remote tribunal hearings and the usual telephone contact.

KerryAnn has outlined the wonderful achievements of the team in her report. Another year of outstanding results.

We have welcomed some new staff members this year with the funding boost from Fair Trading to help tenants cope with the impact of COVID-19 and the difficulties of NCAT phone hearings. With Robert in our Tamworth office leaving us last June, we welcomed Michele joining us. We also have Melissa in Melbourne and Julia in Bulli to provide additional support to tenants.

With the reopening of all offices, we were able to execute our plan to further develop our Community Education program, and we appointed Chelsea to be our Community Education Project Worker. That project is expected to go for six months and we are using some of the stimulus money to fund it.

I would like to thank all the staff, Tamara, Linda, Michele, Emma, Chelsea, Melissa, Mark, Neil, Julia and KerryAnn for their wonderful dedicated work and for making the service the success it is. The service has helped thousands of tenants over the years and I am sure the communities in which we operate really appreciate having such a wonderful service.

I would also like to thank the Management Committee, Elizabeth, Marjorie, Brian, Jenny and Noel for their loyal and voluntary support of the staff and the service for the past year.

In these challenging times I thank everyone for their ongoing commitment and professionalism to the successful delivery of the service.

A handwritten signature in black ink, appearing to read 'Anne Wolfenden', with a long horizontal stroke extending to the right.

Anne Wolfenden
President

Service Manager's Report

Every year I seem to start my report by saying it's been a remarkable year, and this year is no exception. Like every organisation in NSW, we have been, and continue to be, affected by the COVID-19 pandemic, often in unexpected ways.

We were very glad last May when the Minister for Fair Trading announced that every tenancy service would receive funding for one year to employ an extra person to cope with the pandemic, and the new world of working from home remote service delivery. We were so grateful that Mark West was able to continue with us to help carry the load.



Julia Murray joined us for a couple of months in July, and then Melissa O'Donnell in September. Both Julia and Melissa are experienced advocates with extensive experience in complex tenancy matters.

When we were able to return to our offices, we advertised for the Tamworth position and Michele McGoldrick started with us on 4 January 2021. Julia joined us again in June 2021.

I have long been wanting to revamp our Community Education program, and the ATO stimulus funding provided us with the opportunity to do that. Chelsea Knife joined us in May 2021 for a six month project to overhaul our materials and organise the delivery of training for community workers across our region.

So our normal small band of warriors has been supplemented this past year, and Tamara, Linda, Emma and I are grateful for the willing hands that have helped us to undertake the serious work we do. Dedicated and thoughtful staff are the backbone of the service, and I am so very grateful for them all.

As is usual, you will find in this report a selection of statistics and case studies that tell the life of the Service and the stories of our clients. It's very easy to think only of the numbers, or of the economic impact, but these case studies show the chaos and anxiety for families renting their homes in so many ways. There are also reports from the electorates that we cover that provide an interesting perspective on our work.

As ever, I am so grateful to our Management Committee for their ongoing dedication to the Service. Anne's support and commitment, and the support of Elizabeth, Brian, Jenny, Marjorie, Noel and Chris has been essential to enable the staff to continue their work. The vision and guidance of the Committee are the underpinning of our focus on service delivery.

A handwritten signature in blue ink, which appears to read 'KerryAnn Pankhurst'. The signature is stylized with a large 'K' and a long, sweeping underline.

KerryAnn Pankhurst
Service Manager

Statistics

Some variability in statistics arises from the introduction of the TAAP database on 1/10/2015. The Service Manager continues to work with the Tenants Union staff and other coordinators to improve the operational functionality and reporting capabilities of the TAAS database.

TU Database /new TAAP database			15/16	15/16												
	14/15	%	July- Sept	Oct- June	Oct- June %	Annual	16/17	%	17/18	%	18/19	%	19/20	%	20/21	%
Total number of clients	1319		370	1140		1382	1558		1430		1913		1688		1668	
1800 calls	2371		754	1992		2746	2814		3542		3687		3171		3171	
Identify as having a disability	256	19.6%	72	210	18.5%	19.0%	275	20.1%	314	22.0%	347	21.8%	372	22.0%	449	26.9%
Identify as Aboriginal or Torres Strait Islander	315	23.8%	77	256	22.5%	21.7%	338	24.6%	350	24.5%	389	24.4%	355	21.0%	346	20.7%
Under 25	129	9.7%	26	107	9.4%	8.2%	128	9.3%	113	7.9%	139	8.7%	126	7.5%	109	6.5%
55-74 / 55-64	150	11.3%	41	84	7.3%	9.5%	156	11.3%	152	10.6%	163	10.2%	140	8.3%	139	8.3%
Over 75 / 65 and over	23	1.7%	13	55	480.0%	4.2%	80	5.8%	102	7.1%	137	8.6%	142	8.4%	129	7.7%
Single person household	327	24.7%	94	89	29.6%	27.0%	339	21.8%	491	34.3%	610	31.9%	533	31.6%	540	32.4%
Identify as sole parents	265	20.0%	74	66	22.0%	21.0%	289	18.5%	325	22.7%	358	18.7%	347	20.6%	360	21.6%
Couples with children	243	18.4%	59	69	23.0%		273	17.5%	306	21.4%	317	16.6%	251	14.9%	203	12.2%
Extended family							68	4.4%	89	6.2%	104	5.4%	100	5.9%	83	5.0%
Group household	80	6.0%	15	11	3.6%	3.8%	137	8.8%	74	5.2%	108	5.6%	98	5.8%	92	5.5%
Employed	357	0.5%	85	116	33.1%	27.2%	410	26.3%	558	39.0%	654	34.2%	495	29.3%	440	26.4%
In receipt of income support	684	51.8%	196	218	62.1%	57.3%	860	55.2%	937	65.5%	1080	56.5%	965	57.2%	965	57.9%
Renting through an agent	645	48.9%	140	581	50.9%	48.2%	892	62.7%	884	61.8%	904	47.3%	1027	60.8%	947	56.8%
Renting privately	177	13.4%	46	131	11.5%	12.0%	150	10.5%	177	12.4%	171	8.9%	188	11.1%	195	11.7%

TU Database /new TAAP database	14/15	%	15/16 July- Sept	15/16 Oct- June	Oct- June %	Annual	16/17	%	17/18	%	18/19	%	19/20	%	20/21	%
Renting in social housing	296	22.4%	102	230	20.2%	24.8%	233	16.3%	277	19.4%	272	14.2%	347	20.6%	365	21.9%
Domestic violence in the tenancy															44	2.6%
Homeless/At risk of homelessness	340	25.7%	69				193	13.6%	268	18.7%	348	18.2%	240	14.2%	345	20.7%
Referred by NCAT	132	10.2%	34	121	11.8%	10.2%	167	10.7%	138	9.7%	150	7.8%	165	9.8%	86	5.2%
Referred by Community organisation	165	12.7%	50	197	19.2%	16.1%	202	12.9%	257	18.0%	252	13.2%	242	14.3%	247	14.8%
Received advocacy	377	28.6%	122	280	24.5%		216	15.1%	280	19.6%	275	14.4%	243	14.4%	207	12.4%
Assisted to prepare for NCAT (not NCAT representation)	328	24.9%	87	159	13.9%		200	14.1%	299	20.9%	348	18.2%	283	16.8%	266	15.9%
Represented/attended at NCAT hearing	255	19.3%	74	223	19.5%		252	17.7%	323	22.6%	290	15.2%	226	13.4%	93	5.6%
Comparative figures obtained by number of enquiries in that area from TU database / TAAP database																
Rental bond and compensation	496	37.6%	138	294	25.8%	432	480	30.8%	551	38.5%	380	26.5%	364	21.6%	463	27.8%
Repairs	365	27.7%	121	298	26.1%	419	497	42.0%	515	36.0%	375	26.2%	366	21.7%	472	28.3%
Rent and other charges	574	43.5%	117	427	37.5%	544	655	31.9%	723	50.6%	564	39.4%	555	32.9%	630	37.8%
Termination	787	59.7%	191	483	42.4%	674	739	47.4%	814	56.9%	628	43.9%	578	34.2%	796	47.7%
% Time – Information								8.8%		7.4%		7.2%	562.50	8.9%	212.25	3.1%
% Time – Advice								53.0%		64.5%		58.1%	3693.75	58.8%	3306.00	47.9%
% Time – Non-Tribunal Advocacy								15.2%		11.7%		11.6%	1266.75	20.2%	1245.75	18.1%
% Time – Tribunal Advocacy								14.2%		13.9%		13.4%	763.25	12.1%	1320.25	19.1%

Note that from July 2017, we were no longer able to fund the additional 0.5 EFT from our resources, and therefore a drop in service occurred.

SEIFA Index of Relative Socio-economic Advantage and Disadvantage

The NEWTAAS region contains 13 of the 20 most disadvantaged local government areas in NSW, according to the SEIFA Index of Relative Socio-economic Advantage and Disadvantage from the 2016 Census* data. On Census night, the region contained 33,199 renting households across 57% of NSW.

Service delivery challenges include covering a low population density over a large geographical area, with higher than average rates of low and no literacy, income support, poorer health outcomes, unemployment and disability.

2016 Local Government Area (LGA) Name	Index of Relative Socio-Economic Disadvantage		Index of Relative Socio-Economic Advantage and Disadvantage		Index of Economic Resources		Index of Education and Occupation		Usual Resident Population
	Score	Decile	Score	Decile	Score	Decile	Score	Decile	
Brewarrina (A)	757	1	818	1	768	1	943	4	1,651
Central Darling (A)	817	1	855	1	855	1	931	4	1,833
Walgett (A)	832	1	856	1	862	1	929	3	6,107
Fairfield (C)	856	1	896	2	943	2	882	1	198,817
Coonamble (A)	869	1	883	2	916	2	928	3	3,918
Kempsey (A)	888	2	877	1	935	2	891	1	28,885
Broken Hill (C)	901	2	887	2	918	2	895	2	17,708
Richmond Valley (A)	902	2	885	2	947	3	878	1	22,807
Gilgandra (A)	907	2	906	2	960	3	928	3	4,236
Nambucca (A)	907	2	896	2	938	2	919	3	19,212
Kyogle (A)	910	2	905	2	949	3	940	4	8,940
Tenterfield (A)	910	2	902	2	945	2	932	4	6,628
Warrumbungle Shire (A)	913	2	912	2	948	3	948	5	9,384
Liverpool Plains (A)	914	2	906	2	958	3	910	2	7,687
Glen Innes Severn (A)	915	2	909	2	942	2	936	4	8,836
Bourke (A)	916	2	932	3	924	2	992	8	2,634
Inverell (A)	916	2	904	2	948	3	921	3	16,483
Moree Plains (A)	917	2	919	3	939	2	934	4	13,159
Lithgow (C)	923	2	908	2	953	3	893	1	21,090
Cowra (A)	924	2	910	2	958	3	915	2	12,460

*Australian Bureau of Statistics <http://www.abs.gov.au/>

What the statistics mean...

NEWTAAS provides information and advice for every tenant who contacts us. Many people are competent to sort out their tenancy issues by themselves. They need information and strategic advice tailored to their circumstances, and pointing in the right direction to a process they can follow.

For many of our clients, this is not the case.

Focussed service delivery:

As a matter of deliberate policy, the Service provides the highest levels of assistance to vulnerable tenants and tenants with complex matters.

We define a “vulnerable tenant” as someone who has at least two of the following characteristics:

- Functionally illiterate or having English as a second language
- Having a disability, mental illness, or being a victim of domestic violence
- Being very young in a first tenancy or a frail, older person
- Having family circumstances that prevent them from advocating for themselves
- Having health issues that prevent them from advocating for themselves.

A “complex matter” is a matter where the law is not straightforward, or where there are either multiple issues, or an interplay between law and policy, particularly for social housing tenants. An example of such a matter is a termination notice being issued for rent arrears, where the tenant is in receipt of a rent subsidy, and believes that the subsidy calculation is incorrect.

The level of assistance needed by the tenants contacting us is increasing. Our client intake policy requires us to be mindful of the tenant’s capacity to act for themselves, and we don’t act for them if they are able to do it for themselves.

For vulnerable tenants facing termination, it’s not enough for us to retain the tenancy on an interim basis – we want the tenant to learn their responsibilities and rights, and be able to keep their tenancy going for the long term, a goal much harder to achieve, but very worthwhile.

Vulnerable tenants and complex matters are usually the most time-consuming for us. Here are some examples from this past year of the time it can take to do a single complex matter for a vulnerable client:

Summary	Hours
Tenant with an intellectual disability and a private landlord determined to end the tenancy, multiple NCAT hearings and the tenancy continued over 8 months	60.75
Tenant caught in Saudi Arabia by the COVID-19 border closure who had ended her tenancy and then the landlord applied for compensation, NCAT referred and multiple hearings before compensation claim was only partly awarded	57.5
Social housing tenant whose house was sinking and had become abusive to his landlord when repair weren’t done, repairs, termination and compensation	186.5
Young mum and bub in community housing facing domestic violence, termination and compensation, multiple NCAT hearings, sustained the tenancy	45.5
Tenant referred by NCAT for repairs, rent reduction and compensation claim wins \$12k and landlord then appealed and lost the appeal	87 + 117.25

NEWTAAS compared to the TAAP Network 2020-2021

The table illustrates some of the extra logistical and service delivery issues that arise directly from the degree of disadvantage that so many of our clients experience. It places a demand for a higher degree of service delivery, more assistance, more representation, in order for the disadvantaged client to have the same outcome that they would have been able to achieve if they didn't have that level of disadvantage.

Services	Cases	Sessions	Cases/FTE		Sessions/FTE	
			Network Avg	Service Avg	Network Avg	Service Avg
Written Advice	582	6229	49.02	129.34	401.58	1384.22
Warm Referral	912	5582	37.66	202.67	196.64	1240.44
Research	812	7304	66.10	180.45	399.81	1623.11
Represent at meeting with landlord	272	4652	19.85	60.45	239.53	1033.78
Represent/Assist Other Appeal	53	955	1.58	11.78	22.84	212.22
Represent/Assist Case Conference	68	1580	3.40	15.11	55.14	351.11
Prepare FT Complaint	5	130	1.06	1.11	12.66	28.89
Parks Mediation (assistance/representation)	3	86	0.79	0.66	9.90	19.11
Pamphlets/Forms/Photocopied Info	1186	7426	160.91	263.56	754.53	1650.23
Other	240	2777	59.11	53.33	256.58	617.11
Negotiation	265	4515	32.62	58.89	310.38	1003.33
NCAT Set Aside	35	286	3.68	7.78	36.44	63.56
NCAT Representation	174	3332	17.15	38.66	235.43	740.44
NCAT Preparation	477	5153	60.62	106.00	430.05	1145.11
NCAT General Application	306	2732	49.88	68.00	282.86	607.11
NCAT Appeal	11	219	2.56	2.44	17.43	48.67
Liaise with third party	451	5280	28.68	100.22	302.35	1173.33
Legal Aid Grant Obtained	10	87	0.49	2.22	4.22	19.33
Information	2446	10841	360.89	543.55	1425.21	2409.11
Home Visit	8	184	1.62	1.77	16.21	40.89
HAC Assistance	12	340	1.61	2.66	22.32	75.55
Follow-up (phone)	1592	9478	179.79	353.78	992.89	2106.22
Follow-up (face-to-face)	128	1909	15.04	28.45	143.02	424.22
Follow-up (correspondence)	1030	8152	134.87	228.89	827.85	1811.56
Duty Advocacy (hearing representation)	15	78	1.67	3.33	14.19	17.33
Duty Advocacy (conciliated agreement)	7	18	1.19	1.55	10.91	4.00
Duty Advocacy (advice only)	6	45	0.99	1.33	3.73	10.00
Document Preparation	625	6636	41.60	138.89	379.60	1474.66
Connect with other support service	1776	8177	55.94	394.67	301.03	1817.11
Advocacy	389	5886	57.86	86.44	535.24	1308.00
Advice	2323	10731	421.14	516.22	1591.53	2384.67

An advice for a tenant who is literate and has good reading comprehension, who has access to the internet, and is confident and competent to articulate their story may only take an hour of advice to be able to effectively represent their own interests.

A tenant who is functionally illiterate facing the complex information patterns and language of the Tribunal is at a terrible disadvantage. Literacy is the most basic skill for any tenant trying to resolve their issues with their landlord. If you can't read and understand a fact sheet, or complete a Tribunal form, you cannot know what the law says you need to do or how to resolve your problem. Without that skill, it is often easier to give up, to put up with mould, or the leaking roof or the stove or heater that doesn't work. In the worst cases, it's easier to leave.

This is particularly where NEWTAAS makes a difference. For these tenants, we are the difference that enables them to have their repairs done, significantly reduce the amounts of compensation their landlord is unjustly trying to get from them, and fight a retaliatory termination notice. It's these cases that are the most satisfying to us.

Ongoing NCAT impact of COVID-19

We have always carried a higher NCAT load than the Network average due to the higher needs of our clients. On top of that, we are now carrying a significantly higher NCAT load because of the changes in the way NCAT is operating during the pandemic.

NCAT moved to all telephone hearings towards the end of March 2020, and this created a whole new set of challenges. Standard procedural directions for the exchange of evidence were modified late last year, but it did mean that there continued to be a gap of around four weeks between application lodgement and initial hearing. NCAT are now moving to audio-video hearings for those initial hearings, and we are looking forward to duty advocacy again.

Following *Turnbull v Bridge Housing Limited [2021] NSWCATAP 18*, NCAT Members will now contact both the tenant and their representative for a hearing. This was a welcome change, as the tenant is always the primary witness in their own matter, and it was vital for NCAT to hear from them directly.

Tribunal by telephone is a much harder process for tenants, as it is primarily document driven. It means a lot more work preparing, and tenants often flounder in the process. Even for those with capacity, it is very difficult, but for those who aren't particularly literate, who can't follow an evidence trail, or write up a coherent chronology of events, it is just impossible. Tribunal has always been where NEWTAAS can really make a difference, and that continues to be the case.

Session Type	Aug-20		May-21	
	Total Time	% Time	Total Time	% Time
Advice	266.25	47.5%	369.25	57.58%
Assisting in Self-Representation	16.50	2.9%	48.75	7.6%
Case Management	0.75	0.1%	0.00	0.0%
Duty Advocacy	0.00	0.0%	0.00	0.0%
Information	5.75	1.0%	4.50	0.1%
Non-Tribunal Advocacy	113.00	20.2%	74.50	11.6%
Referral	18.50	3.3%	11.25	1.6%
Tribunal Advocacy	139.50	24.9%	132.00	20.1%
Total	560.25		641.25	

Casework Case Studies

These case studies are only a few of the more than 1,600 matters we have dealt with over the past twelve months. When a tenant contacts us for help, they bring to us the intimate stories of their private lives and their often distressing personal circumstances. Our clients can often feel embarrassed, angry, frustrated and humiliated. We treat them with respect, listen to their story, give them strategic advice, and represent them when they cannot best represent themselves.

We hope that in addition to an increased knowledge and understanding of tenancy law, that they leave us with a sense of self-respect and dignity.

Emma – vulnerability and victimisation:

The tenant first came to us seeking help to transfer with her social housing provider due to ongoing trouble with break ins and vandalism at the property. The tenant had an intellectual disability and suffered from mental health issues. Two of her three children were autistic and the tenant was in a relationship where domestic violence was an ongoing concern.

We submitted the transfer application and were waiting for an outcome when another break in occurred at the property. The landlord at that point decided it was not safe for the tenant and her family to remain at the property. They told the tenant she could be given temporary accommodation in a motel, but she would need to give up her tenancy to be eligible. We asked for confirmation that if she gave up this tenancy, they would still house her going forward.

The tenant and her client officer were looking for a new property when we were told by the landlord that the tenant's application for transfer had been suspended until a 'family safety and tenancy sustainability plan' could be provided by support services to show that the tenant could maintain a tenancy. The tenant, who was in the process of applying with the NDIS for a support plan for herself, was also told that she could not be housed until that plan was in place.

The request for the plan was unprecedented and there were no policies that authorised the request. The housing provider declined to provide details of what the plan required. We were concerned that declining to house the tenant until she had an NDIS plan was discriminative. The tenant could not control whether she received a plan nor the time it would take to determine the application. We were also worried about the significant and ongoing stress the tenant and her family were placed under by suspending the housing placement.

The final straw was the landlord's decision to terminate the tenant's temporary motel accommodation late one Friday afternoon just before Christmas. They called the tenant and told her that she and her family had to leave or the police would be called. There was no investigation, nor was the tenant given an opportunity to present her version of events. The tenant and her vulnerable family were left with no money, limited access to support services over the weekend and nowhere to go. A local support service funded accommodation for the family at a motel out of their service budget.

We immediately appealed the decision, of course. They had 28 days to respond but the tenant could not wait that long. The mental health of the family was deteriorating after weeks of uncertainty in motel accommodation and there were concerns the children could be removed from the tenant's care. The Christmas period was approaching, and the impending shutdowns were likely to cause an even greater delay in housing the family.

Due to the urgency of the situation, we rallied the support services and led the consultation process to prepare a 'family safety and tenancy sustainability plan'. We also participated in

meetings led by the NDIS and service providers, to encourage the housing provider to lift the suspension.

NEWTAAS provided the 'family safety and tenancy sustainability plan' to Homes North and urged the housing provider to act urgently to secure a suitable property as head tenants in a private tenancy. Given the actions of the landlord, and the dire circumstances of the family, we were prepared to complain to the Registrar for Community Housing, the Ombudsman and the tenant's Member of Parliament. The landlord acted, we provided the tenant with community education about starting and maintaining a tenancy and the tenant was housed soon after.

This case illustrated for me how vulnerable tenants can be overpowered within the housing system and how difficult it is for them to act when they have been wronged. There were clear and serious errors in decision making in this case, and yet without determined and effective advocacy from NEWTAAS this tenant and her family simply would not have been able to defend themselves against the might of a housing provider.

420.75 hours over 17 months

Emma – there's a process to taking possession:

The tenant was in the process of moving out of her property to a place in a nearby town. She was still paying rent and had not yet given notice. The tenant's neighbour called her after interrupting two unfamiliar people in the tenant's property.

The tenant spoke to the people, who advised they had entered her property at the request of her landlord, to clear it out. The tenant discovered that some of her belongings in her home had been thrown in the rubbish bin. A lock on one of the doors was also changed.

The tenant lost grocery items, personal documents and sentimental property. She was distraught and referred to us for help. The tenant is not literate, has a range of health problems and two of her three children have disabilities. We have helped the tenant apply to the Tribunal for compensation for economic and non-economic loss. It is important the tenant gets help to seek redress but even more important that the landlord and real estate agent are held to account and educated about dealing with tenancies so they never do this again.

59.75 hours over four months

Some thoughts from Emma:

Many tenants have been calling in recently after having received no grounds termination notices. It is often the case that they have been in the property for several years, have been paying rent and looking after the property. There are very few rental properties available at the moment.

When tenants call us after getting these notices, they simply have nowhere else to go and they are devastated. In this situation, there is little that can be done from a legal perspective as a landlord is still permitted by law to end a tenancy giving no grounds.

What we offer is practical and strategic advice about trying to retain the tenancy, finding a new place and preparing for the inevitable outcome at NCAT. We suggest they write to the landlord outlining that they have paid rent and looked after the property, what they like about the property and to offer more rent if they can afford it. We encourage them to keep records of all the properties they have applied for and to get letters of support from service providers. Most

importantly we urge them all to contact their State and Federal Members of Parliament and let them know all about their situation in the hope of prompting a ground swell for change.

Tamara – the unwinnable appeal:

We were first contacted by the tenant's mother. Her daughter, a 26-year-old Aboriginal single mother of three small children who had previously had a very good tenancy history had been terminated from her social housing tenancy due to claims that she had allowed the premises to be used for illegal purposes, placing the tenant in breach of her agreement.

The matter had already appeared before the Tribunal. At the time of the Tribunal hearing, the alleged criminal activity had not yet been proven before the Local Court. This activity was allegedly conducted by a person who was not a tenant nor an occupant at the premises. The tenant was represented by another party at the telephone hearing and an agreement had been reached that the tenant would accept the termination and vacate the premises.

Unfortunately, the tenant was extremely nervous and was unable to comprehend what was occurring at the time of the hearing. The termination of her tenancy was not what she had agreed to with her representative prior to the hearing nor wanted at the time of the hearing.

The tenant vacated the premises in accordance with the Tribunal orders. She and her children moved in with her mother, who was also a social housing tenant. With four unauthorized occupants now living in the mother's property, this placed her tenancy at risk. Unfortunately, this was the only option to ensure a roof over their heads and to try and maintain some stability for the children. In this small country town, the alternative was homelessness.

The tenant had already lodged an appeal against the decision when she came to us, and her mother was now acting as her representative.

We immediately attempted to conciliate an agreement with the social housing provider but they were unwilling to negotiate. They already had vacant possession, which was what they wanted.

This left the Appeal as the tenant's only option. We assisted the tenant in preparing her evidence for the Appeal hearing which included compiling Police documents, preparing Statutory Declarations and transcribing the sound recording from the original hearing to support her argument that despite the fact she was represented at the time of the telephone hearing, the Member did not directly ask her if she agreed to the termination of her tenancy, only her representative who had made this agreement without her understanding what was occurring.

We warned the tenant that we knew of no case where the tenant had regained possession after giving up the house. If this happened, it would be a major victory.

The first Appeal hearing was adjourned, the second Appeal hearing saw orders for a stay against the orders for possession and prohibiting the landlord reletting the house and procedural directions for the exchange of evidence. Finally at the third Appeal hearing, the tenant's application was successful. This meant that the original application for termination due to the alleged breach made by the social housing provider would need to be reheard by the Tribunal.

The matter was re-listed before the Tribunal two months later at which time the social housing provider withdrew their application. In the meantime, the social housing provider had agreed to

commence a new tenancy with the tenant at the same property and she was able to move straight back in, just in time for Christmas.

This entire process took five months, with the tenant and her children being out of her home for three of those months. Over this time we were actively in regular contact with and provided ongoing assistance to the tenant and her mother, taking every possible action we could to see this vulnerable family rehoused.

This case is a standout for me as it highlights that in our role as advocates it is imperative to have clear instructions from our clients, and the impact that our actions can have on our client's life if we do not. We are fortunate to have such experienced advocates at NEWTAAS in order to avoid such issues arising.

Appeals are incredibly important because they set down precedent that NCAT must follow. This appeal was ground-breaking because it's the only appeal we're aware of where the tenant has given vacant possession back to the landlord, but as a result of the appeal has regained possession of the property, her home.

65.5 hours over five months

Tamara – hanging on in desperate health circumstances:

The tenant was a middle-aged women, who resided at a social housing property with her partner. He was an authorized occupant. As a result of cancer in her right mandible, the tenant had previously had an operation which had significantly affected her speech, therefore the tenant authorized all communication and instructions to be taken from her partner.

The couple had lived at the property, located in a small country town in remote NSW, for 9 years.

When they first contacted us, NCAT had already terminated the tenancy for non-compliance with a previous Specific Performance Order for the payment of rent and arrears. .

The partner told us that they'd missed some payments due to the need to travel to Sydney for ongoing cancer treatment for the tenant. They had not received notification of the Tribunal hearing and therefore did not have the opportunity to participate in that hearing.

We always attempt to negotiate with the landlord first, and reach out to the client officer. With the landlord's agreement, we helped the tenant to lodge an application to set aside the termination orders.

We made several referrals for the couple, encouraging them to engage with and seek financial support from local charities and other relevant support services, and wrote support letters for them. The tenant was unable to receive government payments through Centrelink due to her partners income placing them above the threshold. We encouraged them to meet with Centrelink to have this reassessed.

The landlord's main issue was the lack of communication regarding their circumstances. We reached an agreement for a new Specific Performance Order before the Set Aside hearing, and that was made by NCAT.

Sadly, 5 months later we received notification from NCAT that the social housing provider had applied for a re-list due to a breach of the Specific Performance Order. We were not able to

establish contact with the tenant's partner until the day prior to the hearing at which time we talked him through the process of applying for an adjournment at the hearing.

The adjournment was successful, and the housing provider then provided evidence to show that of the 20 payments due since the Specific Performance Order had been made, only 10 payments had been made and only 5 of these complied with the Specific Performance Order.

The breach was undeniable, and the social housing provider had significant evidence to show their numerous failed attempts to engage with the tenant and her partner.

At this point we too struggled to get the tenant's partner to engage with us and to provide the evidence to justify why they had been unable to pay the rent. We couldn't establish if he was unable to emotionally deal with his partner's ill health and the tenancy situation or if he was choosing to spend the money necessary for rent elsewhere.

At the time of the hearing the tenancy was terminated with vacant possession required in 4 weeks. We were successful in having these orders made under Section 87 which allows for the opportunity to still remedy the breach. Payment of the arrears or a very significant start towards payment of the arrears before the date of vacant possession could result in the tenancy still being saved.

At the time of the hearing the Member stated that he had "lost his sympathy" towards the tenant's circumstances. We continued to try to continue to engage with the tenant's partner over the following weeks to encourage them to pay the arrears in order to save the tenancy. The day before vacant possession was required the tenant's partner contacted us to say that he had paid all arrears and that the social housing provider had agreed that the tenancy could continue.

This thankfully ended up being a successful outcome for the tenant and her partner and we can only hope that they have continued to meet their tenancy obligations since this time.

This matter touched me personally. Living in remote NSW, travel to Sydney is necessary for cancer treatment and based on my own personal experiences, I understand the impact this has on a family both financially and emotionally.

31.25 hours over four months

Linda – waiting for repairs:

The tenant was renting his home from a social housing provider in one of the smaller towns in the region. He suffers from schizophrenia, PTSD and extreme anxiety.

He had been requesting repairs since the start of the tenancy four years earlier, and had become more frustrated and anxious when the repairs weren't done. Amongst the necessary repairs were to the locks on the doors. The tenant continued to follow the process for reporting repairs to the landlord to no avail.

A home invasion occurred while the tenant, his father and his partner were at home, and further damage was done to the doors and locks during that. Security doors and screens were damaged. Still the landlord would not do the repairs.

The kitchen started to fall apart, there were cracks in the laundry wall, and leaking taps to name a few of the needed repairs. The tenant continued to report the repairs to no avail.

Finally the tenant found us. His extreme distress and anxiety were evident as he told me the story. I immediately obtained a detailed list of the repairs needed. I sent the list to the local office asking for the repairs to be done.

I arranged for the tenant's client officer to do a home inspection, and attended the inspection via phone, speaking with both the tenant and the client officer. They assured me that I would receive a copy of the inspection report and photos from the home visit. This did not happen.

I followed up multiple times, and continued to be told that I'd get a copy of the report. It never came.

I advised the Tenant to apply to NCAT asking for orders for the repairs and an order for non economic loss compensation. Finally, the landlord decided they had better do the repairs, and orders were made by consent with the repairs to be completed on or before 1 May 2021, with the rest of the application to be determined at a formal hearing.

The landlord didn't meet the deadline, and in the meantime they decided to apply against the tenant for compensation for damage. Their application listed the repairs the tenant had requested.

The day of the formal hearing arrived. After I presented the tenant's case, the landlord withdrew their application to NCAT.

The decision was reserved and took some time to come in, but the written reasons were a delight to read, making it clear that the landlord had breached their obligations again and again. The tenant was awarded a rent reduction from 16 December 2020 to 1 May 2020, and was awarded \$500.00 compensation.

Most important of all to the tenant was that the repairs were done. Finally, after all this time, his home was secure and fit to live in.

141.5 hours over nine months

Linda – a return to health from hoarding

This tenant rents her home in a major regional centre from a social housing landlord. The tenant has health problems, was recovering from addictions and is a survivor of domestic violence.

Over the years, the tenant had collected many, many things. There were some old cars in the very overgrown backyard. She had 30 cats and the house was very cluttered.

The tenant knew that she had to do something after the RSPCA put an order on her about the welfare of the cats, and then she received an NCAT notice of hearing. That's when she contacted us.

The tenant was doing her very best to declutter but it was incredibly difficult for her due to her health issues. She was overwhelmed with what was going to be needed, and terrified she would lose her home. She didn't know where to start.

I helped with logistics, contacting the RSPCA who agreed to remove all the cats the following week and contacting services who might be able to assist. I found a service who would pay for a skip, and referred her to Disability Advocacy NSW for help in getting an NDIS application

in. I also referred her to the local My Aged Care team for assessment so that she could access help through the Catholic Health Care Domestic Squalor program.

A major breakthrough came at the NCAT hearing when the Member agreed that it would not be viable to have the entire house and yard brought back to a reasonable condition within eight weeks. NCAT issued orders for the tenant to rectify the breach without a timeline.

The tenant contacted me just before the hearing to tell me how proud she was that she had been able to get down on her hands and knees and scrub the kitchen floor. This was the first time that she had seen it so clean for years! She told me that our positive attitude, where we didn't dismiss her anxiety and believed in her capacity to take control of her life, had encouraged her to believe in herself.

Her landlord has finally realised that hoarding is a complex mental illness, and is working with the tenant and the service providers she is now working with to support the tenant as becomes well. As the condition of the house improves, they are agreeing to do repairs.

41.5 hours over five months

Julia's favourite case:

Jennifer* called NEWTAAS to express her concern about a worrying deterioration in the relationship between her and her co-tenant, Anna*.

Jennifer said that although Anna had not been physically violent towards her, she had been exhibiting increasingly aggressive and unpredictable behaviour, and Jennifer was very concerned that there was a risk the situation could escalate.

Jennifer explained that there was about a quarter of the fixed term tenancy agreement left to run, and that she was willing to pay the one week break lease fee to be able to move on with her life with safety. However, even though Anna was rarely staying overnight at the property any more, Anna had refused to agree to ending the agreement. Jennifer was stuck, and the real estate agent had said there was nothing they could do unless both tenants agreed they wanted to leave.

We were quickly able to advise Jennifer that thanks to laws introduced in February 2019 it was possible for her to end her tenancy due to domestic violence. We explained that there were resources we could send to show her the steps she could take to end the agreement quickly and without further risk to her safety.

The following day Jennifer was able to do everything she needed to end her tenancy agreement. Jennifer was audibly relieved at the change in her outlook and mindset in such a short time.

The impressive aspect of this short, sharp piece of NEWTAAS casework was not only the game changing impact for Jennifer, but the demonstrable benefit of the decades of lobbying and extensive work that went on behind the scenes to bring about this change to the law. Prior to the introduction of these mechanisms there was no viable means to extract a victim of domestic violence from a co tenancy.

Julia - a case which may have future utility:

Anh* had relocated from Vietnam in 2018 to work at a food processing factory. His migration/employment agency rented about 50 different properties for staff through a local real

estate agent, and Anh was handed keys to the property when he arrived in town. Anh lived with a number of other workers from the same factory, and was paying all the rent directly to the real estate agent.

During the tenancy, the landlord put the property up for sale, so Anh and the other workers found another place to live and moved out.

Months later the agent asked Anh to pay some money for water usage, repairs and cleaning the agent said needed to be done. Anh had never objected to paying for water usage, so made that payment, and declined to pay anything further. The agent had already claimed the rental bond.

Five months after the end of the tenancy, the agent made an NCAT application against Anh seeking compensation of more than \$7000.00. Even though it was very clear to us that Anh was not the tenant, we wanted to defend the case to prevent his landlord, the head tenant, making an NCAT application against him.

As English was his second language, NEWTAAS assisted Anh to prepare for a formal tribunal hearing to defend the compensation claim. We argued that:

- the company was the tenant, not Anh;
- the landlord's claims were out of time;
- the claims the landlord were making were for fair wear and tear and repair responsibilities that were made known to the agent during the tenancy;
- given the age of the property any claim should be cancelled out by depreciation; and,
- that any claim remaining should be offset against the already claimed rental bond.

NCAT was thoroughly persuaded by all our submissions and gave detailed and thorough orders dismissing the landlord's application. We hope to be able to use the orders made in this matter to assist in demonstrating how NCAT should decide similar matters to these in future bond cases.

33.5 hours over two months

Mark – two lockouts, lessons learned:

In one week, NEWTAAS received three calls about real or threatened lockouts – compared with an average of one every three weeks in 2020-21. A lockout, where the landlord or their agents or contractors, physically evicts tenants from their home without an order from NCAT, is unlawful.

With two of these, we were able to help directly. In both of these cases:

1. We advised the tenant to take evidence of their tenancy such as a utilities bill, or any account addressed to the tenant at the premises, to the local police.
2. We provided publications to the tenant advising them and anybody who might play a role in the lockout that they faced a \$22,000.00 fine.
3. We contacted the landlord, and, if we could, their contractors, (by checking names against online ads), telling them the advice we had given to the tenants. They were told that if they wanted the tenant out, they had to apply to NCAT for termination orders.
4. We advised the tenant to contact NSW Fair Trading's dispute resolution section. This section does not impose penalties on landlords doing the wrong thing, but contacts both parties **officially** and tells them their legal obligations.

5. We help the tenants apply to NCAT for orders that the landlord respect the tenants peace comfort and privacy, and asking for compensation. We found that NCAT does not treat these applications as urgent. Tenants get a quicker hearing if they apply on-line. NCAT is unlikely to stop the lockout. But the application for compensation will be heard, eventually.

In both of these cases, we were able to stop the threats becoming actual lockouts. That gave the tenants time to address the underlying tenancy issues. In one case, there is no guarantee that the tenant will be able to avoid a lawful termination order in future, but the other we were successfully able to resolve completely.

Mark - hard work key to \$12,000.00 compensation

The tenants had been trying to get serious repairs done for over a year. The house was dangerously rotting around the tenants and their family.

NEWTAAS advised the tenant about how to prepare an NCAT application and evidence, and as it became clear that the landlords were not cooperating, later represented the tenant at a formal hearing.

As the landlord had issued a notice of termination, the application for repairs was dismissed, but the tenants' application for orders for rent reduction and compensation succeeded.

NCAT awarded rent reduction and compensation for non economic loss of over \$12,000.00, a magnificent result for the tenants. The landlord failed in their appeal against the decision, and the original findings were upheld.

The key to the tenants' success was that they had good evidence, including photos and extensive email correspondence, and that they were prepared to put a large amount of work into the case.

The case and particularly the appeal also required a large amount of work from NEWTAAS staff, relying on the Moore High Court decision that now allows tenants to claim non-economic loss, which had been restricted in NSW for 10 years.

87 hours for the substantive proceedings and 117.5 hours for the appeal

Michele's favourite case:

As a novice Tenant Advocate, the case that I'm nominating is still in progress. It's a story of tenants moving from resignation to action in the wake of prolonged inaction by their landlord. I'm finding it rewarding to place a legal framework around their gut sense that they are being swindled, and assisting them to apply to NCAT for redress.

The tenants live in the same regional town as the landlords. I am told the landlords have many investment properties around town. The landlords purchased the property in 2018, when the tenants had already made it their home and the property is again listed for sale.

From the outset, the landlords have neglected their obligations. The tenants have continuously sought repairs, but for the most part have been stalled or ignored. In particular, they have never been able to use the ensuite spa-bath/shower, something they really liked at the inspection. This means there is just 1 bathroom for use in a 4 bedroom home. There are no longer any issues with the spa – because the spa was ripped out prior to the house being put on the market.

The tenants were left for about 2 months with nothing but a wide pipe sticking up in the middle of the tiles, and now just a drain cover.

There's a long list of outstanding repairs, although the landlords saw fit to fix some issues prior to selling. The house is beset with leaks and mould, resulting in increased water bills, many damaged goods, and a cupboard literally falling off a wall very close to one of the tenants. The kitchen is unventilated and has dangerously unreliable lighting, leading the tenants to at times cook by lamplight. If 3 or 4 kitchen appliances are used at once, the circuit board overloads. When it rains, the laundry roof bows in dangerously. The landlords have tried to defend their inaction by claiming that their hands are tied because their insurance won't cover the repairs.

The landlords (and real estate agency) have also frequently failed to respect the tenants' rights to peace, comfort and privacy. In the last few months in particular, the tenants have been bombarded with builders, tradespeople and prospective purchasers, far too often and with inadequate notice. Most recently, they were asked to agree to an unauthorised group visit for a pre-purchase inspection – in breach of the current NSW Public Health Orders. Fortunately, the tenants sought our advice and withheld access.

Amidst all of this, the landlords decided earlier this year that a significant rent increase was warranted. Having been thrown intermittent crumbs of assurance that repairs would be done, and not wanting to 'rock the boat', the tenants made no protest. Now, after suffering years of disrespectful and unlawful treatment, the tenants aren't prepared to swallow it anymore. They regret that they did not act earlier, but they were unaware of remedies open to them. The indignation and frustration they feel is immense.

We are assisting the tenants to apply to NCAT for a repairs order, rent reduction, and compensation for both economic and non-economic loss. This is my first complex NCAT matter, and it's been a learning curve, learning all of the NCAT processes and managing the case.

47 hours over three months

Melissa – vulnerable tenant caught in the cogs of bureaucracy:

This is a case that demonstrates the systemic failings and extreme vulnerability of tenants under financial management orders, with the system more concerned with ensuring bills are being paid than the best interests of the persons under financial management.

In our final week before Christmas Shutdown, we were contacted by a case worker with a fairly desperate situation for a client of hers. Not knowing if she was technically able to reach out due to a financial management order but with no one listening to her, she had finally decided this tenant's situation was too urgent and reached out.

This tenant had been involuntarily admitted into a mental health unit, and between the actions of his social housing landlord, and the NSW Trustee & Guardian (NSWTAG), his financial managers, he had been discharged out of hospital into homelessness, with some vague promise to transfer to a more suitable area of town.

The tenant has significant money from a compensation payout managed by NSWTAG. Following his discharge, he had spent almost 4 months hopping from motel to motel spending extraordinary amounts of money on his accommodation. Now he was being pursued by his landlord for \$26,000.00 in damages to his previous property and the caseworker was concerned NSWTAG were willing to pay it without question.

NEWTAAS mobilised quickly. We attended two case work meetings with the landlord, once before Christmas, and again shortly after the New Year. Our advocacy secured new housing for the tenant in a safer part of town, and he moved in at the end of January, finally able to retrieve his little companion dog, Sniper from the kennels where he'd been boarded. We also secured an agreement from his landlord to cover invoices for two months of motel accommodation, approximately \$8000.00.

NEWTAAS also began representing in the Tribunal. We first had to convince NSWTAG that we were a specialist service in the tenancy space and we would advocate at no cost to the client – seemingly their only priority. We intervened to immediately stop a consent agreement on the payment plan. Even a quick review of the material showed that many of the claims could not be legitimately charged to the tenant – pruning a tree, brand new paint job and flooring.

We then began gathering and reviewing the evidence carefully – obtaining the tenant's records from the landlord, the NSW Police and the local hospital. The evidence painted an even worse picture of a highly vulnerable tenant, with serious abuse and trauma in his life, severe mental health concerns, a recreational drug user, highly susceptible to others in the community with knowledge of his compensation payout, with few family supports in the community and only Sniper to love and to love him – but to whom nobody with power seemed to appreciate any sense of their duty of care.

Following a period of deterioration in his mental health, a fire in the kitchen, and his involuntarily admission, his landlord had switched off the electricity, failed to carry out repairs and vagrants were entering the premises at will. The landlord was determined to terminate the tenancy and communicated with NSWTAG that which was necessary to achieve this outcome. Without NSWTAG willing to question the course of action, the tenant was made homeless illegally and all his belongings destroyed by his landlord.

NEWTAAS filed a response to the landlord's NCAT application for \$26,000, admitting liability to just \$4,200 of the claim. Our submissions were accepted in full by the Tribunal. We were able to secure instructions from NSWTAG to file a cross-claim seeking \$15,000.00 compensation for an unlawful ending of the tenancy, the distress, destruction of his belongings and the extensive costs incurred by the tenant due to his subsequent homelessness.

The Tribunal allowed our cross-claim and awarded \$5,000 compensation, finding that the termination had been unlawful. From a situation of ongoing homeless and the NSWTAG wanting to consent to \$26,000.00 in damages, NEWTAAS secured housing for the tenant, a net gain for the tenant of almost \$800.00, plus a good faith payment by the landlord of \$8000.00 towards the tenant's accommodation.

While NSWTAG have been very closed in their communication, we are hopeful through our interactions with TAG Legal, it will provide a lesson to NSWTAG that they need to be more careful in discharging their obligations to vulnerable tenants around termination and paying accommodation charges, as well as the large end of tenancy bills that social housing landlords charge to former tenants.

64.75 hours over six months

Melissa's favourite case:

In this case, NEWTAAS were contacted by Mission Australia to assist a tenant with a long history of domestic violence and trauma from her ex-husband, and now further trauma from a private landlord who was letting himself into the house with his own key and demanding rent arrears in the amount of \$2000.00.

This tenant had left her husband after 15 years of domestic violence, was living on her own with her five children, was undergoing cancer treatment and had an arrangement that her ex-husband pay two-thirds of her rent in lieu of child support.

Her ex would stop paying rent when it suited him, particularly when the kids were staying with him during school holidays. Her landlord could only produce a rough hand written ledger, did not communicate by mobile phone or email but was showing up to confront the tenant and her family, in her own home, at times while she was in the shower, waiting at her house for her to return from treatment in hospital, at her new partner's workplace while he was serving customers, and even at her parents' place.

It was likely she owed some rent arrears, however she also had a strong compensation claim for the repeated breaches of her right to quiet enjoyment. Initially NEWTAAS advised the tenant on her rights, and assisted her to advocate for herself.

However, when the landlords' issued the tenant with an invalid termination notice, NEWTAAS intervened. We wrote a firm letter to the landlords explaining their obligations in relation to the tenant and threatening to take the matter to NCAT. After several lengthy conversations with the landlords, and then their solicitor, we were able to get her bond properly lodged with the rental bond board and we secured enough time for the tenant to move to a more stable housing arrangement. Our advocacy and intervention ultimately helped this mum and her five kids secure new and safer housing, and in effect \$2000.00-\$3000.00 in compensation for the stress of the situation as not only she didn't have to pay the arrears, she was also refunded the full bond.

25.9 hours over three months

Chelsea's favourite case:

I was recently given the opportunity to complete my first NCAT submissions, in conjunction with the Service Manager KerryAnn. One of these cases turned out to involve a number of very interesting and legally convoluted family relationships.

The tenant had been living with him mum, and stayed in the property after she was moved into high level care and following her eventual death. The tenant was being taken to NCAT by two of his brothers, the executors of the estate, who were claiming damages in the amount of \$20,801.00. All three brothers (plus other siblings) were beneficiaries of the estate. That meant the tenant was a beneficiary of the estate by which he was being sued.

The very old and decrepit house was put up for auction by the estate, and the successful bid was placed by one of the executor brothers. The successful bid was \$40,000.00, however the sale was not completed at that time.

The estate then terminated the tenancy, prior to the completion of the sale of the premises. Upon receiving possession, the estate claimed that more than \$20,000.00 of damage had been done to the premises by the tenant. Due to this claimed damage, the estate reduced the purchase price of the property from \$40,000.00 to \$20,000.00 and the sale was completed.

The estate then applied to the Tribunal to seek compensation for this \$20,000.00 loss on the purchase price of the property. The estate was represented in this matter by a solicitor, which was initially somewhat intimidating for me (a brand new tenant advocate!). Nonetheless, there were several avenues to explore as a response.

Due to the informal nature of the tenancy, no condition reports or inspections had ever been completed. The house was a very old weatherboard house, and the tenant had lived there for approximately 17 years. During that time, neither the mother nor the estate completed any renovations. Thus, all fixtures and fittings (apart from those purchased by the tenant himself) were *at least* 17 years old. They were, in all likelihood, much older. The estate was claiming for the cost of new doors, carpets, a bathroom vanity and solar panels, among other things. The overarching argument in our submission was that, due to a lack of any condition reports, none of the damage could be attributed to the tenant.

I sat in with KerryAnn on the hearing. Thankfully, the Tribunal agreed with our submission and the entire claim was dismissed. The brother/executor/purchaser was denied in his quest to have his cake and eat it too.

Additionally, I learned that solicitors are not an intimidating adversary, as they deal with all areas of law and are not experts on tenancy law. The TAAP network are the experts.

33.25 hours over three months

KerryAnn's favourite case:

We were contacted by a home owner living in a small residential community. She had purchased her home from the previous park owner, who had agreed to and assisted in building a carport and small laundry attached to the home. The current park owners had purchased it six years previously, but had only begun to manage it on-site for the last year. There were other issues around the on-selling of electricity and the lack of written site agreements, but the key issue was our client's concerns about the legality of her home.

Relations had broken down over the past several months between our client and the park owners, and she had decided to sell the home. Another couple already resident in the park were willing to buy it, until the park owner ostentiously measured the dimensions of her site in her absence, and told her neighbour that he didn't think the site was legal.

The sale fell through.

Parks can be complicated legally, and they are often a hotbed of gossip and Chinese whispers about what's happening. That was certainly the case with this community, and it was vital to put a stop to the gossip and innuendo. Our client needed rock solid information from the park owner and advice from us that would let her resolve the situation and get on with her life.

I had our client go directly to the park owner and ask him to put it in writing that her site was not legal. He would not. I then had our client go to Council to get the community map from the year she purchased her home and the current community map. Neither map met the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* and the park owners were also in breach of the requirements of the *Residential (Land Lease) Communities Act 2013*.

I drafted an application to NCAT seeking orders for a written residential site agreement and for the park owner not to interfere with the sale of her home. We put all of the evidence in with the application and lodged it.

Only then did the park owner realise how serious this all was. He agreed not to interfere with the sale of the home to the same purchasers, and the sale went ahead. Once the sale contract was signed, we withdrew the application. One very relieved client!

48.75 hours over 5 months

Feedback

Feedback is never expected but always appreciated as we're always looking for ways to improve our service delivery. Just a few of the lovely comments we've had from clients this past year.

To: New England and Western Tenants Advice and Advocacy Service <newtaas@gmail.com>

Thank you for your assistance.

I would like to say what a great team you are. There was always someone I could talk to, especially KerryAnn, thank you all again for your advice much appreciated and a very good outcome.

To: newtaas@gmail.com

Hi everyone

We won and I can't thank you girls enough for going back and forth with me and my matter before the tribunal vs housing nsw

This is a victory and I wouldn't have done it without you all. Thank you for putting up with me thank you for all your effort and patience I would love for you to share this story with your clients and with your management. I hope housing will learn their lesson from here onwards..

Thank you Lynda you been fabulous I can't thank you enough doll thank you for helping me through this hard time of my life and help me make changes.



Poonam. H

★★★★★ 2 weeks ago

I absolutely recommend New England & Western Tenants Advice and Advocacy Services if you have an issue with your tenancy or getting your bond back. I give the credit to these tenancy advisors in getting my FULL bond back and for being with me to help me compose the email. As soon as I got onto them my stress halved and I knew I have someone else in the background that I can share my worry with. I spoke to them multiple times and got Tamara and Emma to help me out. I rented a privately owned property by the owner who refused to return my full bond back despite all rents being paid on time. I also got the cleaner and upholstery guy of their choice too but they said I am short of paying 4 days rent (based on their incorrect calculations). I sent 1 email to them pointing out their rent calculation mistake to which they didn't respond. Tamara and Emma from this service guided me to draft a strong email pointing out the owner's breaches towards my tenancy (by not depositing the bond with the rental bond board AND staying in my house for 4 days without my permission). In no time they came jumping back to me and they accepted their rent calculation mistake and returned my full bond within 24 hours. Having said that, I am the ONLY tenant in the last 3 tenancies to have received the FULL bond back from them. The previous tenant was a nurse who lost more than 660 dollars in bond (out of 1200) for an exit clean bill. And the same happened to the roofers before me. My exit clean bill was 880 dollars at this property which magically dropped to 400 when I argued about previous exit clean bills being less than 200. So use this fair service and know your rights. It's not always about the money. It's about principles. Stick to your guns and make those pay who don't do the right thing so they will think twice before they harass the next person after you!

To: New England and Western Tenants Advice and Advocacy Service <newtaas@gmail.com>

Thank you so much KerryAnn, and Tamara.

You guys are just so amazing with your work!,

To: New England and Western Tenants Advice and Advocacy Service <newtaas@gmail.com>

Dear Mark West and NEWTAAS staff,

Thanks to your company and the excellent service provided from start to finish with our NCAT case. We would never have achieved such a great result had we not had representation from your service. We appreciate that Mark was on call at anytime and the countless hours he worked on our case. He was always professional and always made sure we understood the process. We would highly recommend your company to anyone who needs representation in the future. Please feel free to use our endorsement in any way you see fit to help other people like us in the future.

Sincerely,
Max and Katrina Raglus

To: New England and Western Tenants Advice and Advocacy Service <newtaas@gmail.com>

To all the team at NEWTAAS & in particular Melissa & Julia,

Thank you all so much for your fantastic advice and support during my recent tenancy disputes.

I had stumbled across your service when I was looking online for help to deal with a real estate agency at the end of a tenancy agreement. I was delighted that the staff who answer the phone at NEWTAAS are immediately able to give advice, I didn't have to be passed through to the right person or be put on hold for hours.

Thank you for patiently going through each of my concerns and explaining my rights as a tenant. You equipped me with the corresponding legislation to my issues & explained how the whole Tribunal process worked. This provided me with all the pertinent information to be able to prepare myself confidently for a tribunal case. Whilst the whole process of dealing with real estate agent was very stressful, Julia & Melissa provided me the knowledge and support to give me confidence and to know that I was on the right track.

I was successfully able to represent myself in the proceedings & came out with a great result - getting my bond back!

I'm so thankful that this service is available to NSW tenants. Whilst I was able to represent myself, I am really happy to learn that your service represents more vulnerable people in the community & can act on their behalf during difficult circumstances.

My partner has been recommending your service to many people that he works with. He is a construction manager on an infrastructure project and had been hearing from the contract workers similar issues to what we had been dealing with. Most of these people didn't know of their tenancy rights and just paid the bills the real estate agency's were issuing them. It would be great if your service could be broadcast more to these groups or within the package of information that real estate agents must hand out.

Keep up the amazing service!
Again, thank you



THE REAL EXSTASIS 1990- Aka EXkSTASiSm Libertine

★★★★★ 2 days ago

Wow! I highly recommend people call this service when your having any tenancy issues. They can help with information, advice or advocate for you with the Tenancy Tribunal. Don't ignore the problem, Call this number As Soon As Possible. They are very supportive, good at what they do, work hard and most important treat you with respect and dignity. . Linda, (the support worker i had), helped me get through this in so many ways. She is good at what she dose. She has so much drive. She kept me from becoming overwhelmed and my anxiety halved thanks to her supportive motivation. Thank-you Linda! Your support through this hard time in my life has been priceless to me! I am so glad i called. :D You will be too!



Community Education project

I joined the NEWTAAS team in April 2021 to overhaul the Community Education (CE) program. This involves updating and creating resources, engaging with relevant services and organisations to promote the program, and ensuring all staff are aware of and follow relevant procedures regarding CE and CE data management.

The existing resources include comprehensive lesson plans and resources for two target audiences; community workers and Rent It Keep It (RIKI) attendees. While these are undoubtedly the two main targets for the CE program, it is my intention to expand the program to target a wider range of community members. As such, I have begun developing resources and creating contact lists for targets such as doctors/psychologists, schools, police, correctional facilities, and community legal services. This will broaden awareness of NEWTAAS and of people's understanding of tenancy law, while maintaining a focus on the most disadvantaged members of our community.

A particular focus will be placed on CE for schools. Young people are often unaware of their rights and responsibilities as they enter the rental market for the first time, and this can lead to issues and disputes that may cost them significant sums of money. For this reason, it is important to cover aspects of tenancy law *before* they become tenants.

As such, I begun creating resource packs for teachers to enable them to deliver lessons to students on the parts of tenancy law that most affect young people. These teacher packs are being targeted towards 3 particular audiences; year 11 Legal Studies, year 10 Commerce, and year 10-12 students generally. The packs will include lesson plans that are mapped to the relevant syllabus, resources to deliver the lessons, and sample assessment and homework tasks. During the uncertain time of Covid-19 lockdowns and restrictions, these teaching packs will enable NEWTAAS' message to continue to spread, even in the absence of face-to-face CE delivery.

On a personal note, it has been an interesting start to my journey with NEWTAAS. As the CE worker with no initial tenant advocacy duties, I was able to focus more on the administrative, policy, and program development side of CE. However, as my involvement in the advocacy side of NEWTAAS has increased, my focus regarding CE materials has shifted towards *what* is being covered, rather than *how* and *to whom*. As such, I expect the CE program to continue evolving and expanding in many ways over the coming months.

Chelsea Knife

Cases with impact: Gatsby, Thelfro and Moore

Some tenancy cases are more complicated than others. Below are three cases that have a particular impact upon our work.

Gatsby:

In *Attorney General for New South Wales v Gatsby* (2018) NSECS 254, the NSW Court of Appeal held that the NSW Civil and Administrative Tribunal is not a court of a State and therefore does not have jurisdiction to determine matters between residents of different States by reason of s 39(2) of the *Judiciary Act 1903 (Cth)* and s 77(iii) of the *Constitution*.

Accordingly, natural persons who live in different States (but not Territories) of Australia are unable to use the Tribunal to resolve disputes. If they try, then their applications will be dismissed for lack of jurisdiction, but they can recommence proceeding in the Local Court or District Court, depending on the amount in dispute.

What does this mean for tenancy cases?

It's really important to find out who the landlord is, and where they live. If the landlord is a superannuation fund, or company, or trust that's not headed by a "natural person", then *Gatsby* doesn't apply.

But if the landlord lives in Queensland, or the tenant has moved to Victoria, there's a problem. Without jurisdiction, Tribunal must dismiss, and then the applicant has to take the dismissal orders to the Local Court and apply there. The Local Court is both a costs jurisdiction and has little expertise in the application of residential tenancy law.

That usually means that it's in the interests of both tenant and landlord to negotiate an agreement, which can be added to the Tribunal orders dismissing the application as a notation. Such a notation is not legally binding, but will certainly guide the Local Court as a factor for consideration if the terms of the agreement are not met.

Since 2018, we've seen a lot of these cases, and we are usually able to negotiate an agreement. The possibility of having to press a claim in the Local Court can be an incentive to negotiate to a landlord who is seeking end of tenancy rectification costs. Issues of repairs and rent reductions are more problematic, as the Local Court process is much slower than Tribunal, and in those cases, the tenant has often decided to simply leave the tenancy, rather than press their application.

As a matter of course, we always ask a tenant who their landlord is. Many tenants don't know, and simply name the real estate agents, so we give them advice with the proviso that if they discover that their landlord is in another state, then they need to contact us quickly because the Tribunal advice will not apply. We ask the question of the agent when we're representing a tenant, to make sure that *Gatsby* won't apply.

This past year has seen the first of the *Gatsby* cases proceed in the Local Court, and another is making its way through NCAT now. The level of frustration and anxiety caused by this federal jurisdiction issue is awful for tenants.

Thelfro:

In *Thelfro v Merbron Pty Ltd t/as Burraneer Bay Marina* [2018] NSWCATAP 251, the Tribunal resolved the issue of whether a claim by a purchaser against the agent of a vendor, for misleading

and deceptive conduct or misrepresentation when acting on a vendor's behalf, is a consumer claim within the meaning of the *Fair Trading Act 1987*.

While there was clearly a supply of services by the agent to the vendor, the “question [was] whether or not there was also a supply of services by the agent to the appellants, in circumstances where they were not the contracting party.” ([29])

The Tribunal held that the definition of “supply” is “inclusive” and “should be construed in a beneficial way”. It was found that advertising the boat online “is to provide or furnish to that person a service and is therefore a supply” ([33]-[35]). It was further noted that ([35]):

“It would be a curious result to construe [“supply”] in a manner whereby a vendor paying for advertising services, as a consumer, would be able to bring a claim in the Tribunal against his agent, but a consumer to whom the advertising was directed could not do so.”

In conclusion, the Appeal Panel was “satisfied that there was a supply by the agent (as supplier) to the appellants (as consumers), and ... the appellants’ claim – alleging misrepresentation or false or misleading conduct of the agent – is a consumer claim within the meaning of the *Fair Trading Act*.” ([37]).

What does this mean for tenancy cases?

This case has only come up a few times for us since October 2018, because it requires a very specific set of circumstances, where the rental premises are advertised by an agent as offering specific features, and the premise does not in fact have that specific feature.

It does mean that if an agent advertises a house as having wood heating by way of a fireplace in the lounge room and a combustion stove in the kitchen, and then confirms at the inspection that both of those are in working order... Well, we are going to help the tenant take both the landlord and the agent to Tribunal as soon as they discover that in fact, neither fireplace nor stove work, and the landlord doesn't want to fix them!

A significant rent reduction from the landlord, and compensation payable from the agent has been the outcome each time we've run a case with these circumstances.

Moore:

Before 2010, tenants were able to obtain compensation for distress and disappointment (often called non-economic loss) caused by their landlord's breach of residential tenancy agreement.

In 2010, a decision of the NSW Court of Appeal completely changed this state of affairs. In *Insight Vacations Pty Ltd v Young (2010) NSWCA 137 (11 June 2010)*, the Court decided that the *Civil Liability Act 2002* applied to compensation for distress, discomfort and disappointment. The Civil Liability Act made it very difficult to obtain compensation for these kinds of losses.

Following this decision, it became very difficult, and practically impossible, to obtain compensation for non-economic loss through an action in the Tribunal.

In April 2020, in *Moore v Scenic Tours Pty Ltd (2020) HCA 17*, the High Court unanimously allowed an appeal from a judgment of the Court of Appeal of the Supreme Court of New South Wales concerning damages for disappointment and distress caused by a breach of consumer

guarantees in the *Australian Consumer Law* ("the ACL"). The High Court held that although Section 275 of the ACL picked up and applied Section 16 of the *Civil Liability Act 2002 (NSW)* ("the CLA") to proceedings in federal jurisdiction, Section 16(1) of the CLA did not apply to preclude the recovery of damages for disappointment and distress not consequential upon physical or psychiatric injury.

The Court held:

[41] Disappointment at a breach of a promise to provide recreation, relaxation and peace of mind is not an "impairment" of the mind or a "deterioration" or "injurious lessening or weakening" of the mind³⁴. Frustration and indignation as a reaction to a breach of contract under which the promisor undertook for reward to provide a pleasurable and relaxing holiday is, of itself, a normal, rational reaction of an unimpaired mind.

What does this mean for tenancy cases?

Compensation is often sought for very small amounts in tenancy matters but for a recalcitrant landlord who doesn't get around to doing the repairs, or can't afford them, or will do them next time he's there, or isn't happy with the quotes for the work and wants to get more, or, or, or – well, an application to Tribunal for repairs, rent reduction and compensation for non-economic loss generally seems to get their attention and convince them that actually, they really do need to do the repairs. In the great majority of cases, that's all the tenant wants.

We have been delighted to see the immediate effect of *Moore* in helping landlords understand their obligations to do repairs. We've run many of these matters now and compensation awards by NCAT have varied from a few hundred, to the jurisdictional limit of \$15,000.00. One appeal by a landlord who didn't want to pay \$12,000.00 to the tenant has failed, and another is underway. That one is also expected to fail.



Tamara, Emma, Michele, Melissa, KerryAnn and Linda at our annual staff meeting in March. We rent a house, go through policies, do casework together and strengthen our team. We missed Mark very much, but he was a constant presence on the phone and it was wonderful to have him holding the phones while the rest of us were travelling. I'm not sure we'd have been able to convince him to wear a tiara!

A Snapshot of NEWTAAS

The New England and Western Tenants Advice and Advocacy Service Inc. is funded by Fair Trading NSW as part of the consumer protection program. The Program is funded from the interest on the Rental Bond Interest Account and the Property Services Statutory Interest Account. Program guidelines detail the criteria that services must meet.



NEWTAAS Inc. is an incorporated association with a volunteer Management Committee.

The Service has three offices in the larger towns in the region, and is funded for 4.5FTE staff. We have temporary funding of 1.0FTE to assist with the service delivery over the COVID-19 pandemic.

The Service employs six staff, in a mix of part and full-time positions. The Service's Tenant Advocates, Assistant Service Manager and Service Manager provide tenants across the region with

face-to-face, telephone, email, and written information and advice. Where tenants meet the Service's client intake criteria, the Service provides advocacy and representation in the NSW Civil and Administrative Tribunal.

Tenant Advocates, the Assistant Service Manager and the Service Manager conduct Community Education sessions across the region in schools, tertiary institutions and in partnership with community organisations across the region with the goal of educating current and future tenants about their rights and responsibilities under tenancy law.

NEWTAAS has been assisting tenants for nearly nineteen years, and during that time has helped more than 19,500 tenants with nearly 25,000 matters.



Renting your home?

Paying too much

Repairs not done

Discrimination over your job

Rent Debt

Need help with NCAT

Lost income

Find out what you can do about it
1800 836 268

Monday – Friday 9am to 5pm

New England and Western Tenants Advice and Advocacy Service is a free service that works only for tenants. We have been working for tenants in the New England, North Western and Western parts of NSW for almost 20 years.

NEWTAAS staff draw on a wealth of expertise and experience to give tenants accurate and tailored advice and assistance for the whole range of problems that confront people renting their homes.

our area Tamworth State Electoral District

The 2016 Census showed that Tamworth State Electoral District experienced sharp increases in the number of homes owned outright and being rented between 2006 and 2016. There was a drop in public housing and a sharp increase in the proportion of homes rented through real estate agents. In 2016, .id Community Demographic Resources noted that in some parts of the Tamworth Council area more than 50 per cent of rental households were experiencing rental stress.

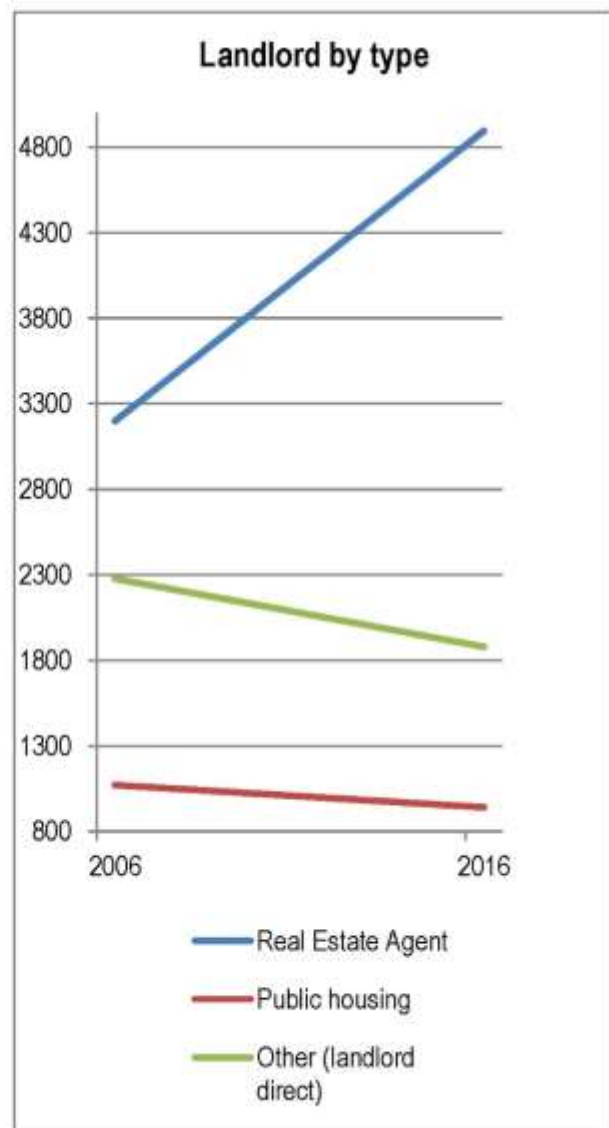
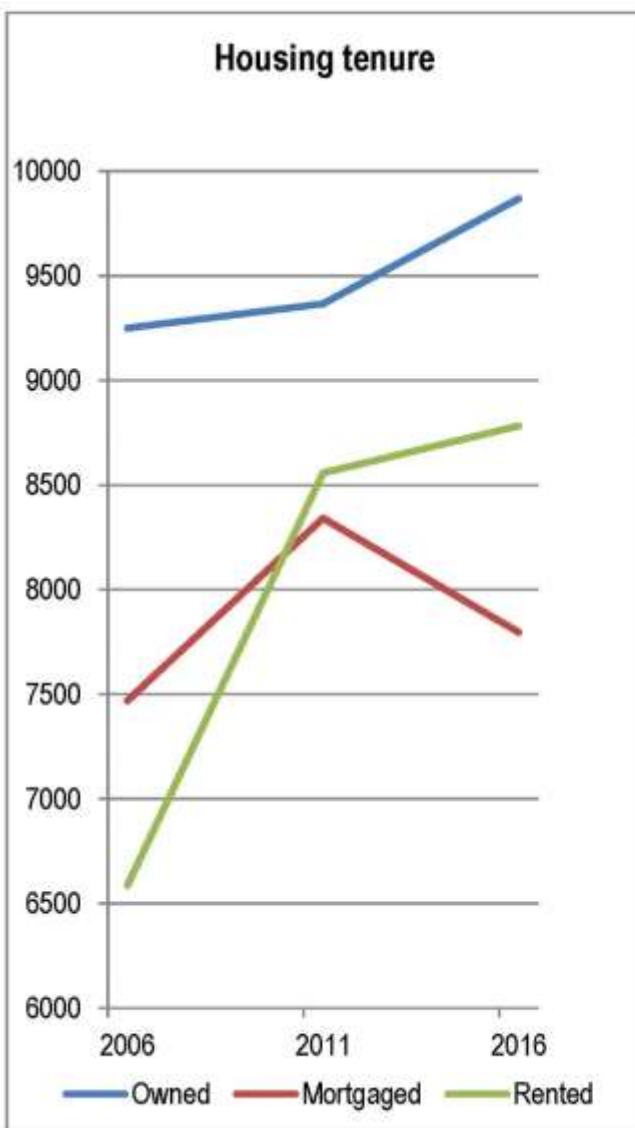
More recent statistics indicate that the position may not have improved.

Rents are rising for most

Median rents reported by the NSW Department of Community and Justice for March 2021 show

that median rents for two bedroom homes (houses and units) were \$280 per week in postcode 2340, Tamworth and 2380, Gunnedah. Rents increased by 3.7 per cent in Tamworth, and by 10.89 per cent in Gunnedah. For three bedroom homes, rents were \$360 in Gunnedah, \$350 in Tamworth and \$300 in 2343, Caroonah, increasing by 5.88, 2.94 and 7.14 per cent respectively in the 12 months to March 2021.

The Tamworth postcode median rent for a three bedroom home is just less than that applying in Gunnedah, Armidale and Dubbo. The median rent for two bedroom premises in the same postcode is the same as applies in Gunnedah. These are the only two postcodes in the electorate where the lodgement of new bonds for two bedroom premises is statistically



Tamworth State Electoral District our area

significant.

Rents in the larger centres may be equalising, not just in Tamworth SED, but across the NEWTAAS catchment. If that is the case, Tamworth and Gunnedah may face more pain before they reach Dubbo's 2 bedroom median rent of \$300 per week.

If rents are moving into tandem in the region, the ATOs recently released statistics for the 2018-2019 financial year show that incomes are not. Median incomes range from \$28,226

in Barraba (postcode 2130), to \$35,326 in Walcha (2354), \$45,612 in Tamworth (2340) and \$47,580 in Gunnedah (2380).

It is unlikely that median incomes have risen by as much as rents, if at all, since 2018-2019.

Rental stress

Rental stress is defined as a household paying 30 per cent or more of its income in rent. In Tamworth SED rental stress could be affecting a large number of households renting

quite modest homes.

People earning close to the 2018-2019 median income would be paying more than 30 per cent of their income for median two bedroom premises in Tamworth (32%) and Gunnedah (31%). Those on the same income trying to rent a three bedroom home could be in acute distress. In Tamworth, the median rent on a three bedroom home is 39 per cent of the 2018-2019 median income for the postcode. In Gunnedah and Carroona, it's 40 per cent.



our area Tamworth State Electoral District

Nowhere to go

As rents rise to the limit of what people can pay, it is also extremely difficult for many tenants to find new homes. Homes for rent are swamped with applications, and landlords and agents select the best earning in the best jobs. Over 50 per cent of NEWTAAS clients in Tamworth SED contacted us about termination. Of the 218 NEWTAAS termination matters in Tamworth SED in 2020-2021, 66 tenants, or 30 per cent of the total, told us they were at risk of homelessness. Of tenants facing homelessness, 80 per cent lived in the centres with the highest rents – Tamworth and Gunnedah.

“What can I do?” is the question tenant advocates face most often from tenants facing termination in these centres. “I have nowhere to go. There is nothing available.” We can offer very little advice.

For those on low incomes,

rising rents spell declining living standards and the threat of homelessness should a financial mishap threaten their tenancy. The risks are even greater for those on low incomes or reliant on government benefits.

Income and poverty

The number of people who received Commonwealth Rent Assistance in December 2020 is an indication of the number of low income earners in a postcode area (see notes). CRA is only paid to renters on government benefits and low income wage earners. We expressed these in relation to the number of taxpayers in each area in 2018-19. The categories have no inherent relationship with each other – they simply show, for example, that for every 100 people who submitted a tax return in Tamworth in 2018-2019, there were almost 19 people who rented their homes, met income limits and were paid CRA.

In the Tamworth SED the number of CRA recipients in 2020 compared to people who lodged tax returns in 2018-2019 includes Walcha (2354) 9.4%, Barraba (2347) 15.2%, Gunnedah (2380) at 15.9%, Tamworth (2340) at 18.9% and Werris Creek (2341) at 27.7%.

The graphs on page 3 show that the proportion of poor renters is high in those towns with the highest median incomes and the highest rents. The impact may have been hidden due to the increases in government benefits and Jobkeeper during the first part of the COVID pandemic.

In regional areas like Tamworth it is becoming more difficult for renters to remain in place. Unlike in metro suburbs facing gentrification, the problems cannot be solved by moving to the next suburb. In regional areas, smaller centres with lower rents have fewer jobs and much worse access to services.

Suburb / postcode	GUNNEDAH	TAMWORTH	CAROONA
postcode	2380	2340	2343
Median Weekly Rent for New Bonds \$ for 2 bedroom dwelling	280	280	
Annualised median rent for two bedroom dwelling	\$14,560	\$14,560	
Annual change in 2BR Median Weekly Rent	10.89%	3.70%	
Median Rent for 3BR dwelling	\$360	\$350	\$300
Annualised rent for 3 bedroom dwelling	\$18,720	\$18,200	\$15,600
Annual change in 3BR median weekly rent %	5.88%	2.94%	7.14%
Individuals 2018–19 no#	5880	29154	2622
Median taxable income 2018–19 (\$)	\$47,580	\$45,612	\$38,933
Average taxable income 2018–19 \$	\$59,343	\$52,094	\$43,609
Value of 2 BR rent rise pa	\$1,430	\$519	\$0
Commonwealth Rent Assistance	934	5,416	402
CRA recipients to taxpayers	15.88%	18.58%	15.33%
July Jobkeeper Application Count	371	1,741	224
2 BR median rents to median income	0.31	0.32	
3 BR median rents to median income	0.39	0.40	0.40

our clients Tamworth State Electoral District

CASE STUDY Tenant fights for his reputation as well as his bond

This elderly gentleman and his wife were renting a house in a small town. When the tenants moved in the house wasn't clean. At the end of the tenancy the landlord claimed compensation through NCAT. The tenant was upset that his integrity and honesty were questioned. NEWTAAS reviewed the landlord's evidence, helped the tenants prepare their evidence, and prepared a submission for them. The tenants were so keen they drove 2.5 hours to the NEWTAAS office for an interview. They were delighted with the help they received. **16 hours**

CASE STUDY Agent's cash grab fails

NEWTAAS was contacted by a tenant from a Tamworth share house. She had experienced DV, perpetrated by one of her co-tenants and wanted to leave immediately.

The real estate agent took the opportunity to try and gouge the household for a break lease fee, even though a replacement tenant had been found and the tenancy would continue.

As NEWTAAS worked on a response, the tenants told us that the mere mention of NEWTAAS saw the agent back down on their unlawful demand.

All case studies are drawn from the Tamworth State Electoral District

Tenure type Tamworth 2021	Tenant	295	69%
	Cotenant	110	26%
	Subtenant	1	0%
	Other occupant	12	3%
	Park home owner	0	0%

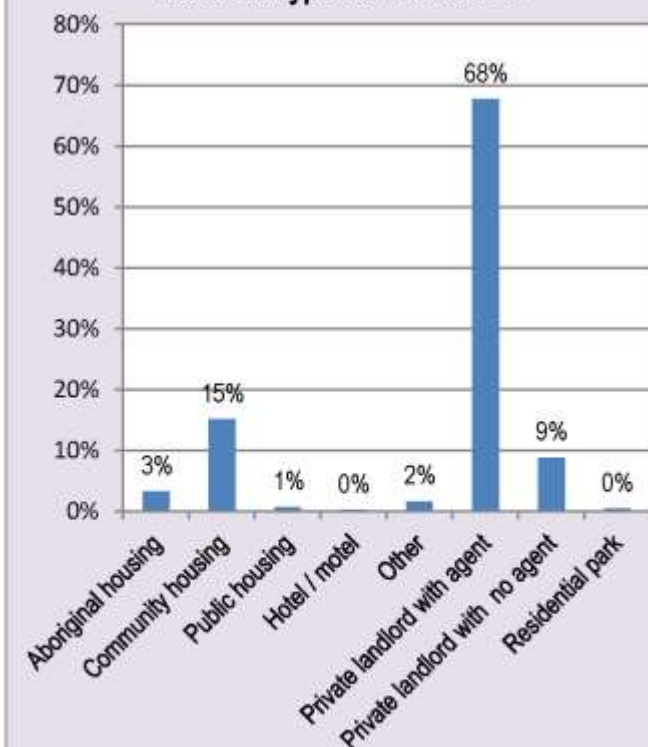
Rents 2020-21		
Median Rent	\$295	
Average rent	\$303	
Rent ranges		
Total reported	326	
Under \$100	5	2%
\$100 - \$149	4	1%
\$150 - \$199	28	9%
\$200 - \$249	50	15%
\$250 - \$299	80	25%
\$300 - \$349	65	20%
\$350 and over	94	29%

Main Income Source Tamworth 2020-21	Employed	126	31%
	Government transfer payments	262	65%
	Other	14	3%

CASE STUDY Social housing rent calculations – much harder than rocket science

The social housing tenant was constantly getting into trouble with her rent. She worked intermittent hours, and had to juggle the different requirements of Centrelink, Commonwealth Rent Assistance and the housing provider's subsidy calculations. It was not just the tenant who did not understand the mechanics of these calculations, most property managers did not get it either. The issue bubbled along, erupting periodically, over two years. Eventually NEWTAAS was able to help the tenant stabilise her situation by ensuring her rent was paid on time, and by negotiating a refund of previously overpaid rent to the tenant. **30.5 hours**

Landlord type Tamworth SED



Tamworth State Electoral District **our clients**

ATSI and gender Tamworth 2021	ATSI	121	28%
	Female	311	72%

Access to technology – 2020-2021 clients		
Number of clients listing a mobile number as their primary contact phone	385	85%
Number of new clients with email address supplied	114	54%
Number of clients with primary access to internet through mobile phone (estimate)	30% of those with an email address.	

Households Tamworth 2020-21	Household type	Number in 2020-2021	% of cases involving
	Total Cases	430	100%
	Couple	50	12%
	Family	62	14%
	Group	27	6%
	Extended family	21	5%
	Single	109	25%
	Sole Parent	129	30%

Client Age 2020-21	Under 25 years	38	9%
	25-50	258	60%
	51-65	71	17%
	Over 65	40	9%

NEWTAAS offices and NCAT hearing venues

NCAT hearing venues are currently not active due to COVID

Dubbo

Dubbo weekly
Bourke
Broken Hill
Brewarrina
Coonamble
Gilgandra
Mudgee
Warren

Armidale

Armidale
fortnightly
Inverell
Glen Innes
Tenterfield
Moree

Tamworth

Tamworth weekly
Coonabarrabran
Gunnedah
Moree
Narrabri

CASE STUDY Hard work key to \$12,000 win

The tenants had been trying to get serious repairs done for over a year. The house was dangerously rotting around the tenants and their family. NEWTAAS advised the tenant about how to prepare an NCAT application and evidence, and later represented the tenant at a formal hearing. As the landlord had issued a notice of termination, the application for repairs was dismissed. But the tenants' application for rent reduction and compensation succeeded, with NCAT awarding over \$12,000 to them. The landlord lodged an appeal and lost. The tenants had good evidence, including photos and extensive email correspondence, and were prepared to put a lot of work into the case. The case and particularly the appeal also required a large amount of work from NEWTAAS staff, relying on the Moore High Court decision of 2020, which allows tenants to claim non-economic loss, previously restricted in NSW for 10 years.

203 hours

NEWTAAS provides assistance to all renters who contact us. The level of assistance depends on the capacity of the renter to effectively deal with the issues they are facing. Higher levels of assistance are provided to tenants who have low literacy or circumstances where they can't represent themselves.

CASE STUDY Tribunal teaches valuable lessons

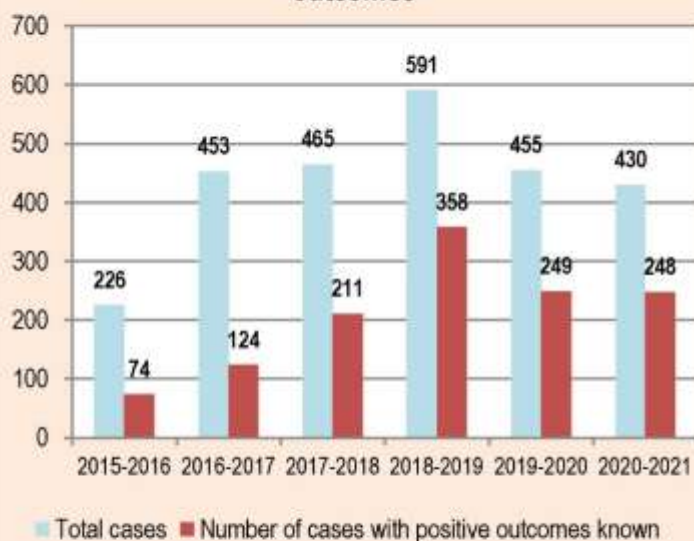
Renting through a private landlord can often prove difficult if the landlord doesn't understand or comply with tenancy law. We see too often that "informal" agreements do not work out.

A single mother with three small children unfortunately learnt this lesson the hard way. The landlord tried to end the tenancy with a series of termination notices. They sent emails which the tenant felt were "abusive and harassing". The landlord eventually got the family out and proceeded to claim compensation from the tenants for end of tenancy expenses.

Over a period of 8 months we helped this tenant represent herself, both with her landlord and before the Tribunal. The tenant was happy with the eventual outcome, and the experience helped build her knowledge and confidence to stand up for herself.

our results Tamworth State Electoral District

Tamworth SED cases with known positive outcomes



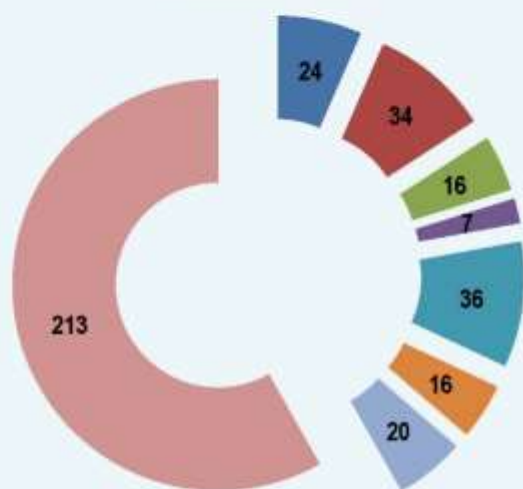
NEWTAAS has been able to achieve outstanding results for tenants with very limited resources.

In 58 per cent of cases, tenant advocates working with clients in the Tamworth SED have recorded positive outcomes for tenants and others.

These outcomes extend across issues and the types of work undertaken. Where matters have to be litigated, the time needed for a successful outcome is much greater.

Good outcomes achieved for tenant	Number of cases with positive outcomes known	Time spent (hours)	Average time per case (hours)
2015-2016	74	798.3	10.8
2016-2017	124	1510.75	12.2
2017-2018	211	1063	5.0
2018-2019	358	1391.25	3.9
2019-2020	249	1618.25	6.5
2020-2021	248	1462	5.9

Tamworth SED – positive outcomes achieved for tenants 2020-21



- Homelessness or eviction prevented, alternative accommodation obtained
- Landlord action dismissed or withdrawn, other landlord action prevented
- Tenant debt reduced or removed
- Client hearing successful
- Negotiated outcome
- Payment to client obtained
- Other client action successful
- Other occupants assisted

In Tamworth SED in 2021, many tenants were reluctant to pursue their legal rights in the extremely tight rental market. In addition, our office was understaffed for some months as we trained a new worker, compounding problems arising from COVID lockdowns and restrictions.

The graphs at left and table above show how NEWTAAS staff have consistently maintained a high standard of support for tenants who need our help. Our robust systems and the quality and dedication of our staff are behind these outstanding results.

The results show that the resources to properly train staff are well spent. Contract certainty and pay improvements flowing from the Equal Remuneration Order have helped us retain workers and help them improve their capacity through training and experience.

our area Northern Tablelands State Electoral District

The 2016 Census showed the Northern Tablelands increasing population and an almost stable number of occupied private dwellings. It showed an increasing amount of rental dwellings, with falling numbers of homes owned outright or mortgaged. Median rents had been stable between 2011 and 2016.

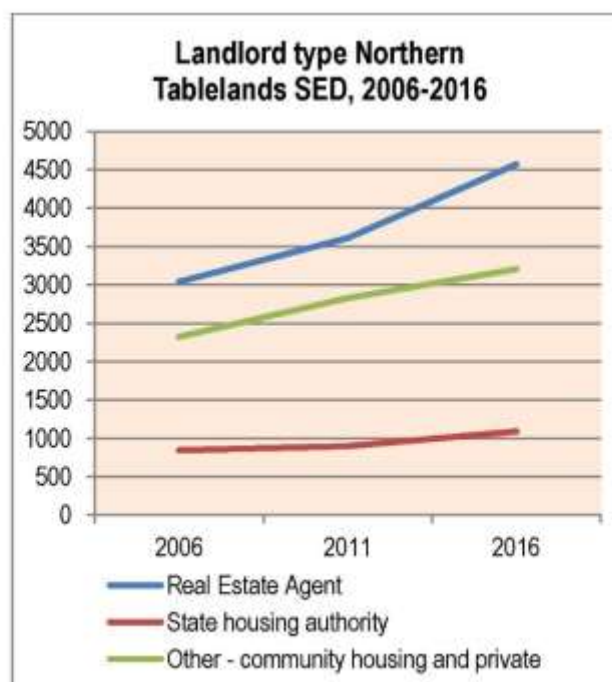
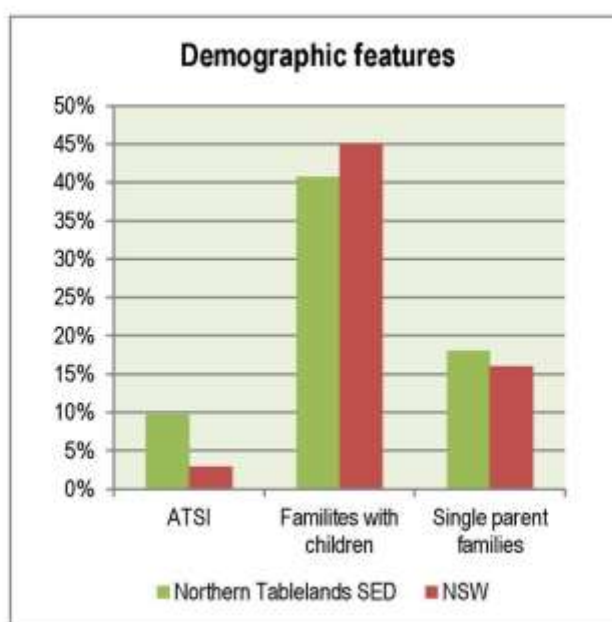
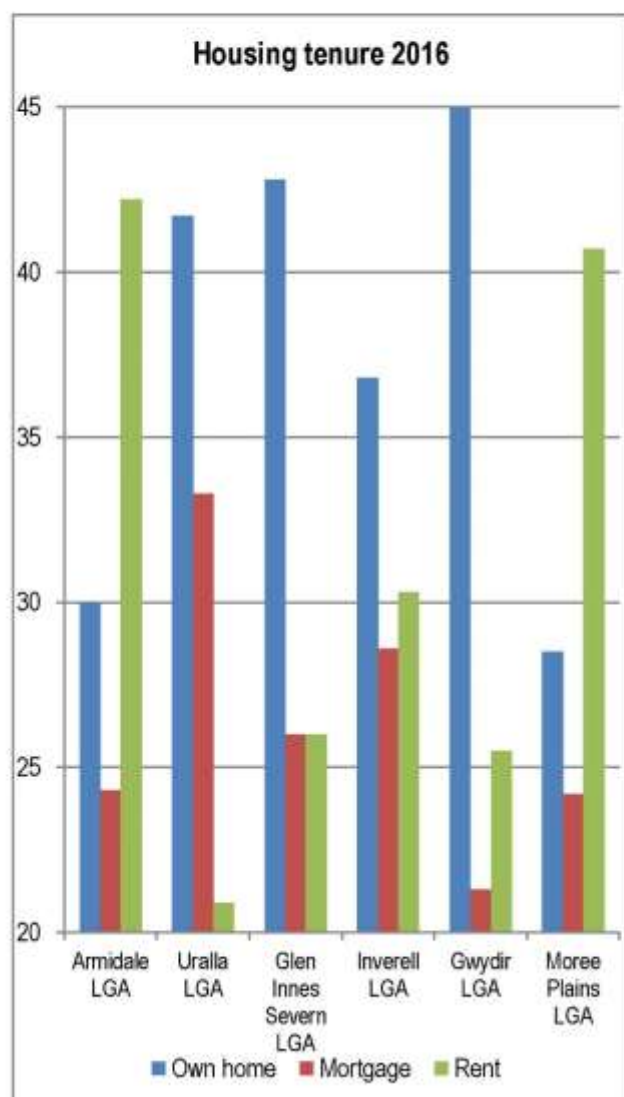
Moree, Gwydir and and Armidale LGAs had the largest number of renters in 2016, both in absolute numbers and relative to the proportion of home owners and those paying off a mortgage.

Some things have changed a lot since 2016. Stagnating incomes for some, the drought, the end of the drought, COVID 19 and the explosion in housing costs in many regional centres have all had an effect.

However, differences within electoral districts can be as important as those between electoral districts.

Housing shortages and rent increases

The biggest population centres in Northern Tablelands State Electoral District are, in order, Armidale, Inverell, Moree and Glen Innes. Median weekly rents for two bedroom dwellings in those postcodes range from \$210 in Moree to \$265 in Armidale. Rents have increased in each



Northern Tablelands State Electoral District our area

postcode except Armidale by well over the rate of inflation.

Armidale median rent dropped by 1.85 % in the 12 months to March 2021. However rents in that area started from a level significantly higher than in other centres in the SED, and remain so.

Rents in Glen Innes rose by a staggering 16.28% over 12 months. In Inverell it was 13.64%, and in Moree 5%.

Rent increases have a double

barrelled effect on the lives of lower income earners in these centres. High rents come in tandem with housing shortages. For those who are looking for housing, because their landlord has sold their home, or they have fallen behind in the rent, it is extremely difficult to find any new home.

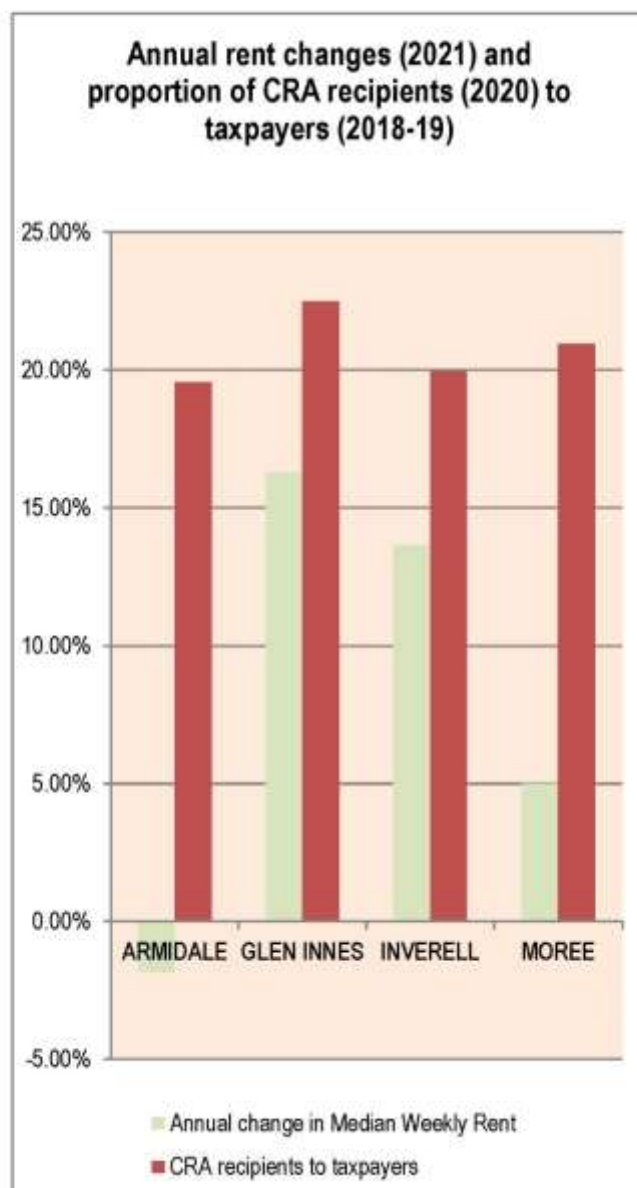
"What can I do?" is the question tenant advocates face most often from tenant's facing termination in these centres.

"I have nowhere to go. There

is nothing available." It is an enquiry for which we can offer very little advice.

For those on low incomes, rising rents spell declining living standards and the threat of homelessness should a financial mishap threaten their tenancy.

In Moree, the increased rent on a median two bedroom dwelling was \$10 per week. In Inverell, it was \$30 per week. In Glen Innes, \$35.



our area Northern Tablelands State Electoral District

Income and relative poverty

Median incomes, based on tax returns in 2018-2019 in the SED, ranged from \$24,869 in postcode 2361(Ashford) to \$48,276 in Moree. Around the middle was Collarenebri, at \$36,253.

Half of all earners get less than the median income. That number, while better than the average, does not tell the whole story. We used the number of people who received Commonwealth Rent Assistance in December 2020

as an indication of the number of low income earners in a postcode area (see notes). We have expressed these as a proportion of the number of taxpayers in each area in 2018-19. The categories have no inherent relationship with each other – they simply show, for example, that for every 100 people who submitted a tax return in Moree in 2018-2019, there were almost 21 people who rented their homes, met income limits and were paid CRA. That's a lot of poor

people for the town which had the highest median income in 2018-2019.

This proportion varies from under 10% in a range of smaller towns like Garah, Boomi or Kentucky (possibly indicating higher levels of home ownership alongside low incomes), to 32% in Collarenebri. The graph shows the number of poor in the community is still significantly high in the towns with higher median incomes, and in those with the higher rents or/and the quickest rising rents.

Main town for postcode	ARMIDALE	GLEN INNES	INVERELL	MOREE
Postcode	2350	2370	2360	2400
Median Weekly Rent for New Bonds (\$) for 2 bedroom dwelling	265	250	250	210
Annual change in Median Weekly Rent	-1.85%	16.28%	13.64%	5.00%
Number of individuals 2018–19 taxpayers	14436	3757	7522	5318
Median taxable income 2018–19 (\$)	\$43,118	\$34,513	\$40,737	\$48,276
Average taxable income 2018–19 (\$)	52,911	39,894	46,210	54,783
Value of rent rise pa	-\$259.74	\$1,820.09	\$1,560.37	\$520.00
Commonwealth Rent Assistance recipients	2,822	845	1,500	1,114
CRA recipients to taxpayers	19.55%	22.49%	19.94%	20.95%
Jobkeeper July 2020 Application Count	914	400	507	476

Data sources

Census data from Australian Bureau of Statistics:

https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/communityprofile/ and https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/POA2400

Data collected after 2016 has come from a variety of sources.

In 2021, the **Australian Tax Office** released statistics from the 2018-2019 financial year. These figures are the source of data on the number of people who put in a tax return in each postcode, with median and average incomes. That data can be found at https://data.gov.au/data/dataset/taxation-statistics-2018-19/resource/de10a44d-ac3c-475d-90ee-7d13536296a6?inner_span=True

In 2021, the federal government released statistics on the number of organisations which received **Jobkeeper** assistance. We have used this as a very imperfect indicator

of how postcodes were affected by COVID. There is no indication in the statistics as to whether organisations were large or small, or of how much was paid out.

In 2021 the federal **Department of Social Services** released information on payment of government benefits to December 2020. We selected Commonwealth Rent Assistance as an indicator of relative poverty among renters. Those statistics can be found here https://data.gov.au/data/dataset/dss-payment-demographic-data/resource/0429d083-d8d2-4fff-bc75-f9100e1723ad?view_id=933993ec-6e60-4da5-80b6-e960c1ef6f1b

In June 2021, NSW Communities and Justice issued **Rent and Sales** statistics issue 135, which included rents by postcode for various types of houses. To compare like with like, we have compared rent statics for the type of home that is associated with the median rent in NSW, which is a two bedroom dwelling, either a unit or house. <https://www.facs.nsw.gov.au/resources/statistics/rent-and-sales/back-issues>

our clients Northern Tablelands State Electoral District

CASE STUDY Run down but not out

The tenant had lived for years in run-down premises, paying no rent but doing some simple maintenance. The landlord announced that they were selling, and said the tenant had to move out. Following advice from NEWTAAS, the tenant agreed to a proposal from the landlord to pay rent in return for a 12 month agreement, but the landlord then backtracked. Instead, the landlord said the tenant could live in the house, rent free, until the premises were sold.

With Covid everything was put on hold. The tenant and family were able to stay in place for another six months at least, with the premises still not sold.
Approx 10 hours

CASE STUDY Talks avert termination

NEWTAAS was contacted by a boarding house resident who had received a notice of termination for leaving mess in the common area.

We advised the resident that his legal situation was unclear. NEWTAAS advised him to focus on negotiating with the real estate agent to resolve the matter without risking the uncertainty of a formal Tribunal decision.

All case studies are drawn from the Northern Tablelands SED.

Tenure type 2020-21	Tenant	318	69%
	Cotenant	106	23%
	Subtenant	3	1%
	Other occupant	3	1%
	Park home owner	3	1%

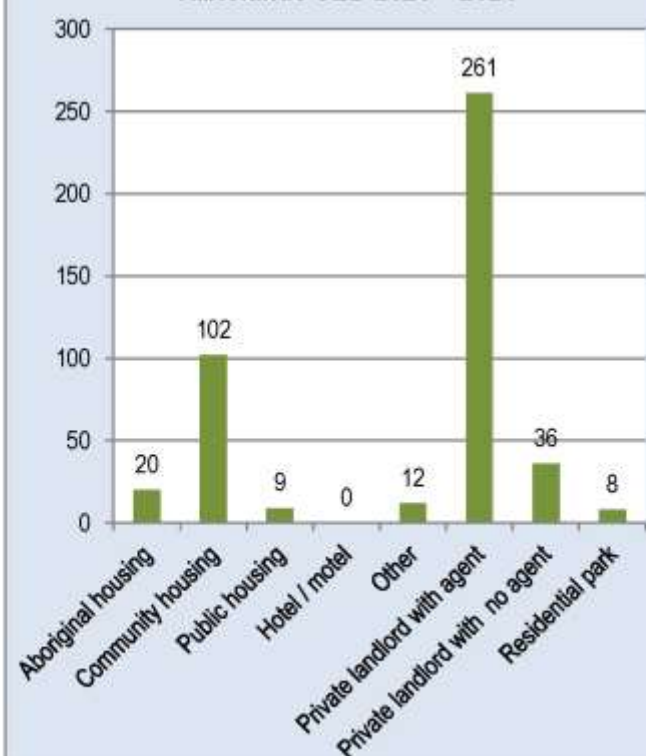
Rents Northern Tablelands 2020-21	
Median Rent	\$250
Average rent	\$242
Rent ranges	
Total reported	301
Under \$100	9
\$100 - \$149	22
\$150 - \$199	65
\$200 - \$249	56
\$250 - \$299	70
\$300 - \$349	51
\$350 and over	70

Main Income Source 2020-21	Employed	105
	Government transfer payments	299
	Other	29

CASE STUDY NEWTAAS helps refugees' repairs

NEWTAAS has helped a number of families from this refugee community. This family had great difficulty in getting repairs done. When the landlord wasn't responsive, we applied to NCAT for repairs and a rent reduction. We then worked with the tenant, translator and community supports to make sure that the repairs were done, and followed through with the agent over the next few months, with the rent reduction applying for 12 months. This was a great outcome for a really vulnerable family who had undergone a great deal of trauma. The family were much more confident to work with the broader community and within our legal system after this success. **62 hours**

Landlord type Northern Tablelands SED 2020 - 2021



Northern Tablelands State Electoral District **our clients**

ATSI and gender 2020-21	ATSI	127	28%
	Female	293	64%

Access to technology – 2020-2021 clients			
Number of clients listing a mobile number as their primary contact phone	384	83%	
New clients with email address	108	51%	
Number of clients with primary access to internet through mobile phone (estimate)	30% of those with an email address.		

Cases involving domestic violence 2020-21			
16	3%		

Households Northern Tablelands 2020-21	Household type	Number in 2020-2021	% of cases involving
	Total Cases	461	100%
	Couple	55	12%
	Family	56	12%
	Group	28	6%
	Extended family	26	6%
	Single	168	36%
	Sole Parent	90	20%

Age Northern Tablelands 2020-21	Under 25 years	40	9%
	25-50	258	56%
	51-65	87	19%
	Over 65	14	3%

NEWTAAS offices and NCAT hearing venues

NCAT hearing venues are currently not active due to COVID

Dubbo

Dubbo weekly

Bourke

Broken Hill

Brewarrina

Coonamble

Gilgandra

Mudgee

Warren

Armidale

Armidale

fortnightly

Inverell

Glen Innes

Tenterfield

Moree

Tamworth

Tamworth weekly

Coonabarrabran

Gunnedah

Moree

Narrabri

CASE STUDY System fails tenant in ruined house

A single parent with five children was living in a dilapidated house. There was sewerage erupting through the floors and no working bathroom. The tenant and family had to use public toilets in a local park. The tenant took the landlord to the Tribunal.

The tenant did not seek advice before making her application. The tenant asked for compensation and orders that the rent be paid to the Tribunal until the repairs were done. She was awarded only \$500 compensation for the sewerage, but there were no orders for repairs. The Tribunal did not

give the tenant leave to amend the application, or adjourn so the tenant could seek advice. The landlord's agent offered to find the tenant find another house, but did not do so.

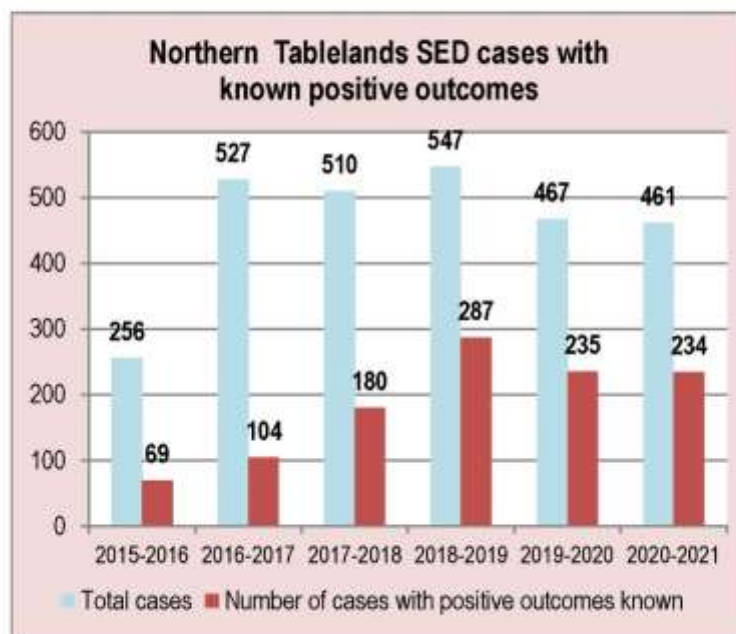
NEWTAAS was helping the tenant develop another NCAT application, because the house remained dangerously uninhabitable, but the tenant wasn't able to cope with another round in NCAT. This is an example of how tenants need access to advice and the problems caused by the lack of duty advocacy support for tenants during Covid. **31.75 hours**

NEWTAAS provides assistance to all renters who contact us. The level of assistance depends on the capacity of the renter to effectively deal with the issues they are facing. Higher levels of assistance are provided to tenants who have low literacy or circumstances where they can't represent themselves.

CASE STUDY End of tenancy charges slashed

A single mum with severe disability moved out and left the keys for the social housing landlord. The landlord didn't do the outgoing inspection until three weeks after the tenant left. The landlord sent a bill for around \$11,000 for alleged damage to the tenant's parents and the Trustee and Guardian. The tenant's parents disagreed with the amount, but TAG was inclined to accept the debt. The debt was challenged by NEWTAAS, and the matter ended up before the Tribunal. NCAT reduced the debt from around \$11,000 to only \$1,109 after the bond was taken into account.

our results Northern Tablelands State Electoral District



NEWTAAS has been able to achieve outstanding results for tenants over the past four years with very limited resources.

In more than half of all cases, our tenant advocates working with clients in the Northern Tablelands SED have recorded concrete positive outcomes for tenants and other renters.

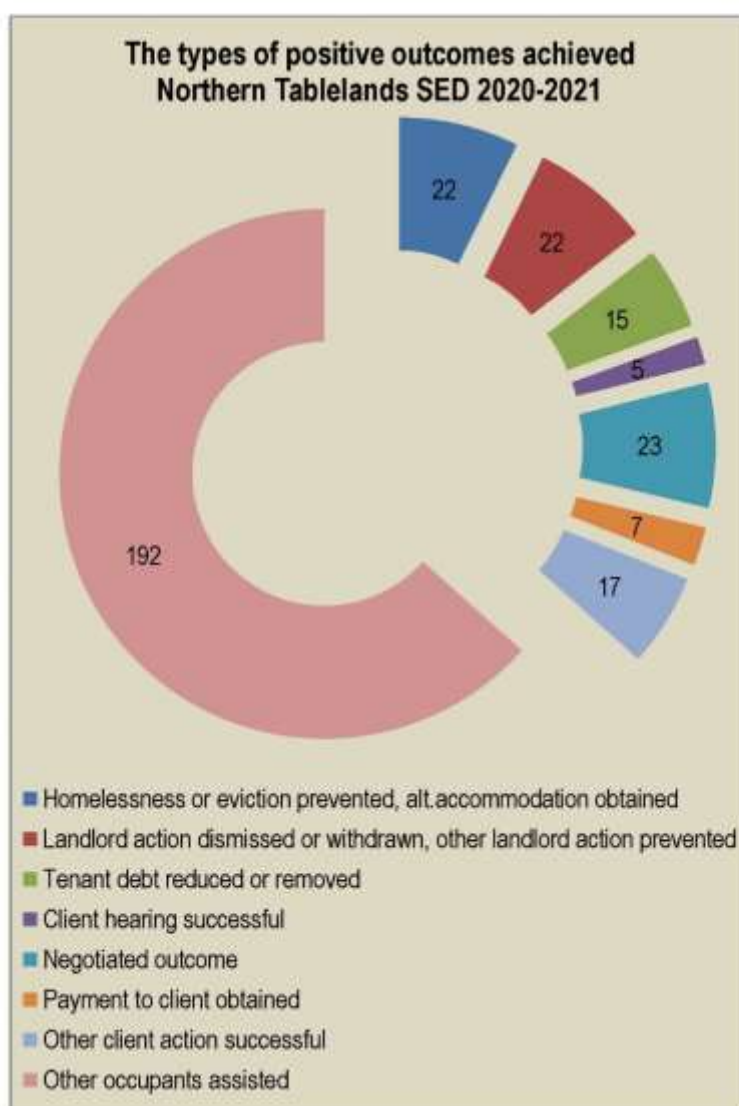
These outcomes extend across the types of issues and the type of work undertaken. Where matters have to be litigated, the time needed for a successful outcome is much greater.

Good outcomes achieved for tenant	Number of cases with positive outcomes known	Time spent (hours)	Average time per case (hours)
2015-2016	69	738.3	10.7
2016-2017	104	1178.5	11.3
2017-2018	180	891.8	5.0
2018-2019	287	1009.0	3.5
2019-2020	235	1295.8	5.5
2021-2021	234	1302.8	5.6

The graphs at left and table above show how NEWTAAS staff have consistently maintained a high standard of support for tenants who need our help. Over the years, particularly since 2018-2019, the service has achieved excellent outcomes for a high number of our clients. This has been done in often challenging circumstances.

Our robust systems and the quality and dedication of our staff are behind these outstanding results.

The results show that the resources to properly train staff are well spent. In 2015-16, we had some inexperienced staff members. Contract certainty and pay improvements flowing from the Equal Remuneration Order have helped us retain those workers and help them improve their capacity through training and experience.



The 2016 Census showed that in the Dubbo State Electoral District population was increasing at a greater rate than the number of occupied private dwellings. It showed an increasing amount of rental dwellings, with falling numbers of homes owned outright or mortgaged. Median rents had been increasing between 2006 and 2011, and increasing more sharply between 2011 and 2016. Median rents for all dwellings in Dubbo centre rising from \$250 in 2016 to \$350 in March 2021.

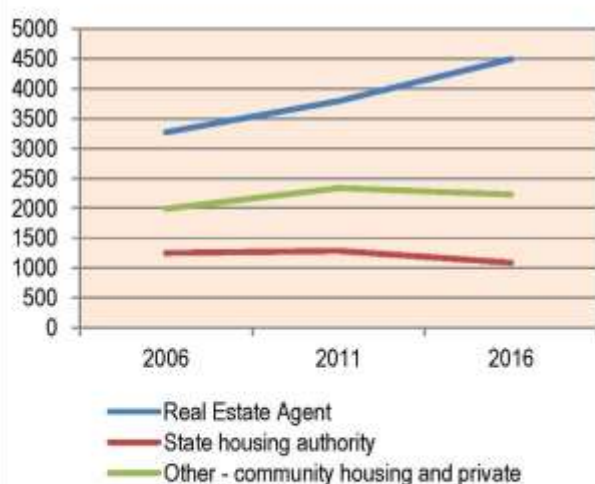
Dubbo Central had the largest number of renters in 2016, at over 35 per cent, substantially more than either homeowners or those paying off a mortgage.

Some things have changed a lot since 2016. Stagnating incomes for some, the drought, the end of the drought, COVID 19 and the explosion in housing costs in many regional centres have all had an effect.

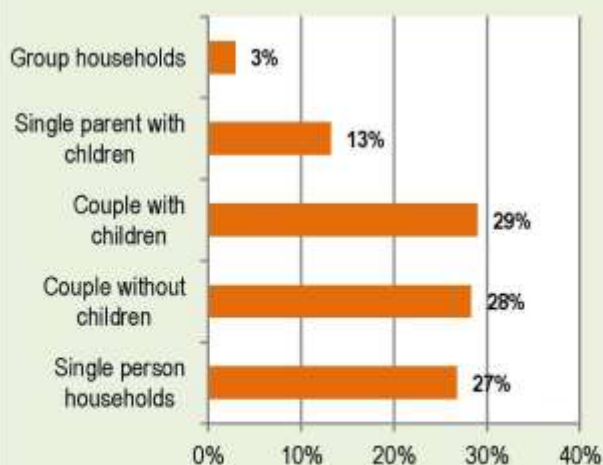
Housing shortages and rent increases

The biggest population centres in Dubbo SED, by postcode, are Dubbo, Mudgee, Wellington, and Narromine. (Mudgee is not in the NEWTAAS catchment area.) Median weekly rents for two bedroom dwellings in those postcodes range from \$265 in Wellington to \$300 in Dubbo. Rents for three bedroom dwellings ranged from \$280 in

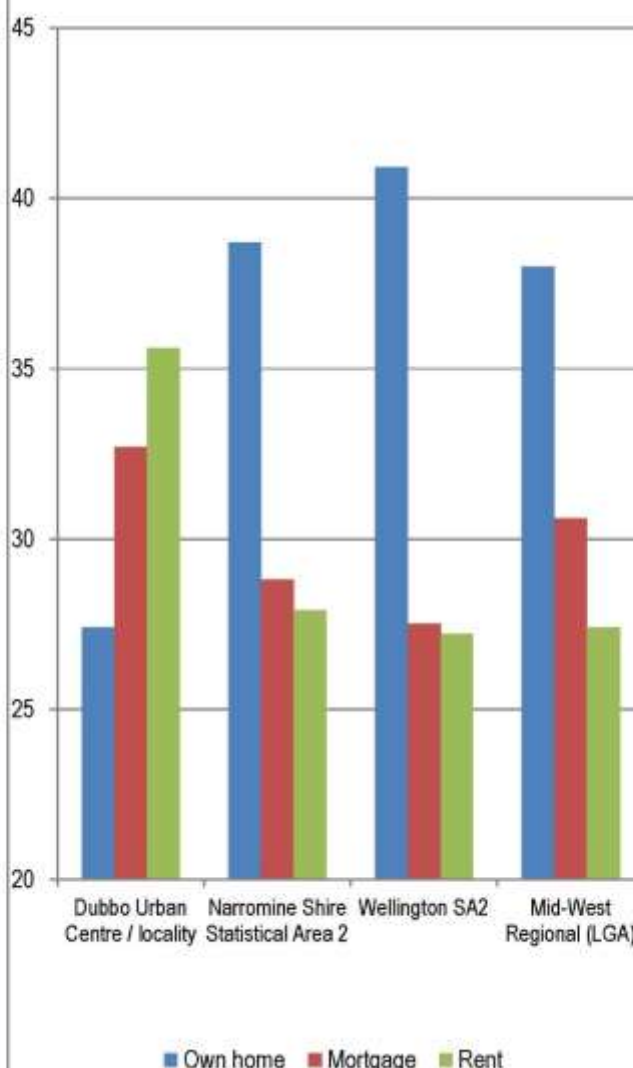
Landlord type, Dubbo SED, 2006-2016



Households, Dubbo SED 2016



Housing tenure 2016



Dubbo State Electoral District our area

Narromine, \$325 in Wellington and \$360 in Dubbo.

Rents for 3 bedroom properties increased by 2.86 per cent in Dubbo, and a staggering 16.07 per cent in Wellington over the 12 months to March 2021. Rents for three bedroom dwellings in Narromine fell by 6.7 per cent. Rent for two bedroom dwellings rose by 7.14 per cent to \$300 per week in Dubbo and by 6 per cent to \$265 per week in Wellington.

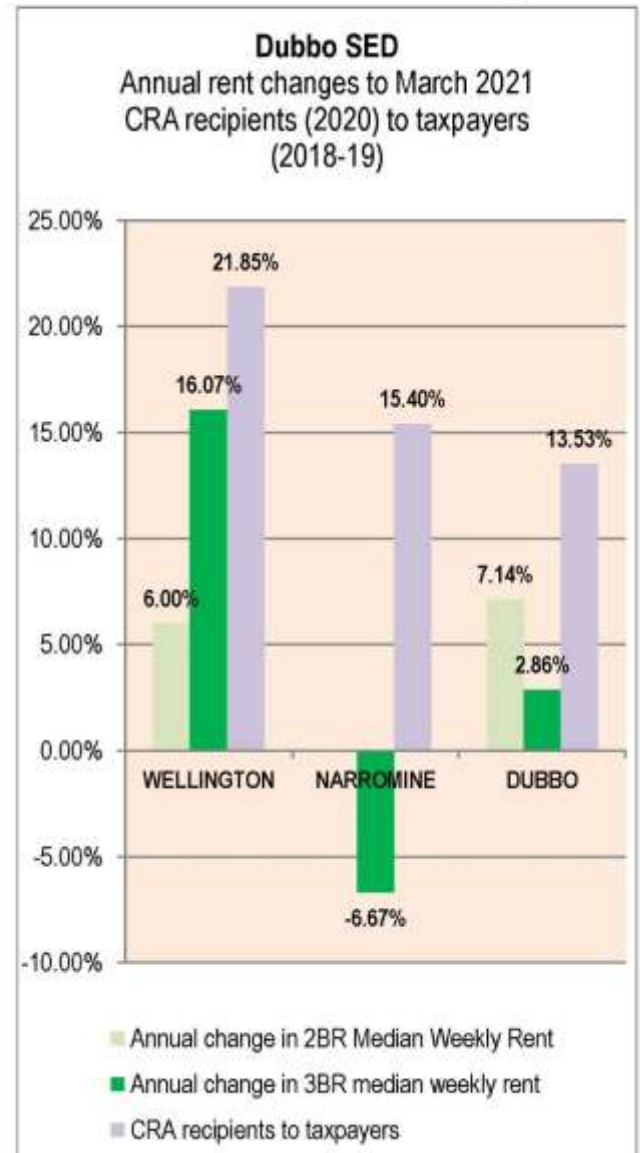
Dubbo has the highest median weekly rent for two

bedroom dwellings in the entire NEWTAAS catchment – more than Armidale, Glen Innes, Gunnedah, or Tamworth. (We have concentrated on two bedroom dwellings which are the median form of housing in NSW paid.) The median rent for a 3 bedroom home in Dubbo is \$360 per week. That's the same as Armidale and Gunnedah; only Narrabri is higher at \$365.

The change in rents suggests a pattern with the reported influx of metro buyers, who mainly buy houses. Rents on

remaining houses rise to the maximum that renters can afford, but properties are still scarce. Landlord's choose the "best" and better off tenants. The rest compete for worse or smaller properties. Those rents then rise to the limit of affordability.

The graph on page 3 shows that any household on a single, median (2018-19) income renting a median three or two bedroom home is in rental stress, (paying 30% or more of their income in rent), in Dubbo, Narromine and Wellington.



our area

Dubbo State Electoral District

Rent increases have a double barrelled effect on the lives of lower income earners in these centres. High rents come in tandem with housing shortages. For those who are looking for housing, because their landlord has sold their home, or they have fallen behind in the rent, it is extremely difficult to find any new home.

"What can I do?" is the question tenant advocates face most often from tenants facing termination in these centres. "I have nowhere to go. There is nothing available." It is an enquiry for which we can offer very little advice.

For those on low incomes, rising rents spell declining living standards and the threat of homelessness should a financial mishap threaten their tenancy. In Dubbo, the increased rent on a median two bedroom dwelling cost \$21 per week. In Wellington, it is \$15 per week for a two

bedroom place, \$45 per week. That increase is an enormous impost if you are one of the many low income people who rely on Commonwealth Rent Assistance in Wellington.

Income and relative poverty

Median incomes, based on tax returns in 2018-2019 in the SED, ranged from \$33,159 in postcode 2831 (Eumungerie) to \$48,145 in Dubbo. Around the middle was 2820, Wellington, at \$38,361 or Narromine at \$41,252.

Half of all incomes are less than the median. That number alone does not tell the whole story. We used the number of people who received Commonwealth Rent Assistance in December 2020 as an indication of the number of low income earners in a postcode area (see notes). We have expressed these as

a proportion of the number of taxpayers in each area in 2018-19. The categories have no inherent relationship with each other – they simply show, for example, that for every 100 people who submitted a tax return in Dubbo in 2018-2019, there were almost 14 people who rented their homes, met income limits and were paid CRA. That's a lot of poor people for the town which had the highest median income in the electorate in 2018-2019.

The proportion of CRA recipients varies from under 5% in Eumungerie (possibly indicating higher levels of home ownership alongside low incomes), to 21.8 in Wellington. The graph shows the number of poor in the community is still significantly high in the towns with higher median incomes, and in those with the higher or quickest rising rents.

See note on page 12 for data sources.

Main town for postcode	WELLINGTON	NARROMINE	DUBBO
Postcode	2820	2821	2830
Median Weekly Rent for New Bonds for two bedroom dwellings	265		300
Median Weekly Rent for New Bonds for three bedroom dwellings	325	280	360
Annual change in Median Weekly Rent - 2 bedroom	6.0%		7.14%
Annual change in Median Weekly Rent - 3 bedroom	16.7%	-6.7%	2.86%
Number of individuals 2018-19 taxpayers	3140	2591	24786
Median taxable income 2018-19	\$38,361	\$41,252	\$48,145
Average taxable income 2018-19	\$44,052	\$45,997	\$55,081
Value of rent rise per week – 2 bedroom	\$15		\$20
Value of rent rise per week – 3 bedroom	\$47	-\$20	\$10
Commonwealth Rent Assistance recipients	686	399	3,353
CRA recipients to taxpayers	22%	15%	14%

our clients Dubbo State Electoral District

CASE STUDY Help with hoarding

The tenant lived in a major town with her mother and an eight-year old daughter. Hoarding was an issue. The social housing landlord tried to terminate because the tenant's mother was an unauthorised occupant and for property care reasons. NEWTAAS worked with the tenant to establish what could be realistically achieved with the help of community services. We negotiated with the landlord. We were able to save the tenancy, and set up a property care plan. The landlord agreed to incremental inspections, one room at a time.

The tenant and her daughter remain housed, the premises are in reasonable condition and the tenant's mental health is much better. The tenant's mother moved to new housing. **approx 35 hours**

CASE STUDY No on the spot termination

The landlord found the tenant minding a relative's dog. The tenant was told to be out in 14 days. NEWTAAS advised that the landlord must give written notice, and apply for orders from NCAT if the tenant did not comply. The tenant passed this on to their landlord, who decided discretion was the better part of valour. **30 minutes**

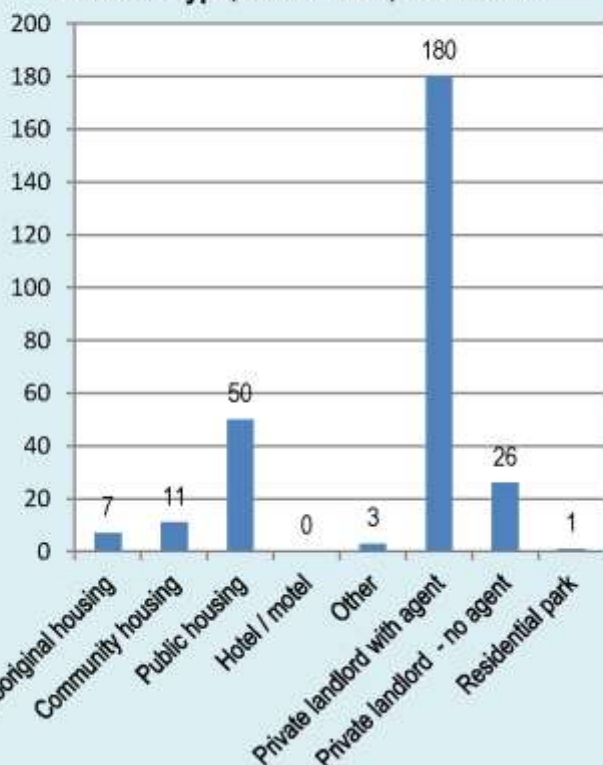
All case studies are drawn from the electorate of Dubbo SED

Tenure type	Tenant	207	70%
	Cotenant	63	21%
	Subtenant	1	0%
	Other occupant	7	2%
	Park home owner	0	0%

Rents 2020-21		
Median Rent	\$240	
Average rent	\$289	
Rent ranges		
Total reported	189	
Under \$100	8	4%
\$100 - \$149	16	8%
\$150 - \$199	16	8%
\$200 - \$249	28	15%
\$250 - \$299	27	14%
\$300 - \$349	34	18%
\$350 and over	60	32%

Main Income Source	Employed	103
	Government transfer payments	153
	Other	16

Landlord type, Dubbo SED, NEWTAAS



CASE STUDY An early compensation win

The tenant had been trying to get repairs done for over a year. The front door in the house would not close properly, and would pop open during the day. There were also ongoing problems with the drains, caused by tree roots. Parts of the house were affected by a sickening drain smell.

The Tribunal ordered the landlord to fix the doors and some other items, but not the drains. It awarded a rent reduction and compensation for the doors and the drains, totalling over \$2,500. This was one of our earlier cases involving claims for distress, embarrassment and inconvenience following the Moore High Court decision. **71.5 hours**

Dubbo State Electoral District **our clients**

ATSI and gender	ATSI	68	23%
	Female	188	63%

Access to technology – 2020-2021 clients			
Number of clients listing a mobile number as their primary contact phone	254	77%	
Number of new clients with email address supplied	63	46%	
Number of clients with primary access to internet through mobile phone (estimate)	30% of those with an email address.		

Cases related to domestic violence	
34	12%

Households	Household type	Number in 2020-2021	% of cases involving
	Total Cases	297	100%
	Couple	32	11%
	Family	24	8%
	Group	17	6%
	Extended family	20	7%
	Single	117	39%
	Sole Parent	49	16%

Age	Under 25 years	16	5%
	25-50	152	51%
	51-65	54	18%
	Over 65	30	10%

NEWTAAS offices and NCAT hearing venues

NCAT hearing venues are currently not active due to COVID

Dubbo

Dubbo weekly
Bourke
Broken Hill
Brewarrina
Coonamble
Gilgandra
Mudgee
Warren

Armidale

Armidale fortnightly
Inverell
Glen Innes
Tenterfield
Moree

Tamworth

Tamworth weekly
Coonabarrabran
Gunnedah
Moree
Narrabri

CASE STUDY NCAT orders repairs and compensation

The tenant tried to get the social housing landlord to do repairs. They didn't for nearly two years. The tenant did not know they could apply to the Tribunal. The tenant took the landlord to the Tribunal with NEWTAAS help.

The landlord responded with its own Tribunal application against the tenant, claiming \$1,500 in compensation for damage. Eventually, after six months, the Tribunal ordered that all the repairs be done, including a brand

new kitchen, new carpet, \$500 compensation for non-economic loss and a substantial rent reduction. The Tribunal's written reasons were very thorough, extending over 16 pages.

The landlord eventually withdrew their application against the tenant. Acting for the tenant, NEWTAAS successfully challenged every item claimed by the landlord.

The tenant was extremely happy with the outcome. **120 hours**

NEWTAAS provides assistance to all renters who contact us. The level of assistance depends on the capacity of the renter to effectively deal with the issues they are facing. Higher levels of assistance are provided to tenants who have low literacy or circumstances where they can't represent themselves.

CASE STUDY Extra time avoids eviction

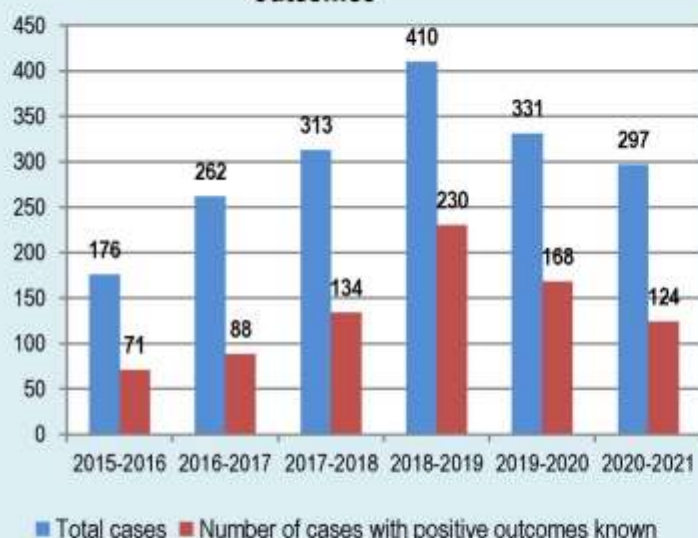
A young tenant had to care for her younger siblings. The tenant lost her job because of her caring responsibilities, and fell into rent arrears. The Tribunal ordered termination, with a month to move, over Christmas.

The tenant contacted NEWTAAS on January 4, facing eviction. Real estate agencies were closed over Christmas, and she had not been able to find a new home. NEWTAAS negotiated with the agent for a little extra time for the tenant. Happily, the tenant was able to secure alternative housing in this time, saving her and her family the horrors of eviction and homelessness. **19.5 hours**

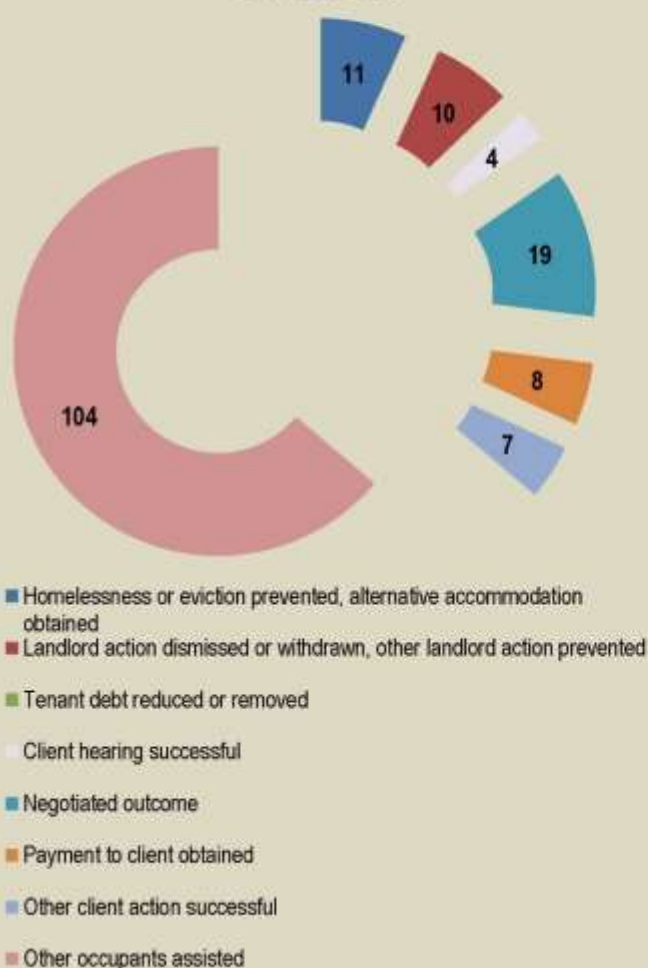
our results

Dubbo State Electoral District

Dubbo SED cases with known positive outcomes



Types of positive outcomes achieved in Dubbo SED 2020-2021



NEWTAAS has been able to achieve outstanding results for tenants with very limited resources.

In 42 per cent of cases, tenant advocates working with clients in the Dubbo SED have recorded positive outcomes for tenants and others.

These outcomes extend across issues and the types of work undertaken. Where matters have to be litigated, the time needed for a successful outcome is much greater.

Good outcomes achieved for tenant	Number of cases with positive outcomes known	Time spent (hours)	Average time per case (hours)
2015-2016	71	559.8	7.9
2016-2017	88	790.5	9.0
2017-2018	134	602	4.5
2018-2019	230	974.5	4.2
2019-2020	168	725.5	4.3
2020-2021	124	786.75	6.3

In Dubbo SED in 2021 many tenants were reluctant to pursue their legal rights in the extremely tight rental market. In addition, our office and the offices of key referring services in Dubbo were closed for months due to relocation, compounding problems arising from COVID lockdowns and restrictions.

The graphs at left and table above show how NEWTAAS staff have consistently maintained a high standard of support for tenants who need our help. Our robust systems and the quality and dedication of our staff are behind these outstanding results.

The results show that the resources to properly train staff are well spent. Contract certainty and pay improvements flowing from the Equal Remuneration Order have helped us retain workers and help them improve their capacity through training and experience.

our area

Barwon State Electoral District

NEWTAAS clients in Barwon State Electoral District are less likely to be employed than in any other electorate in our catchment. More households are likely to be sole parent families.

At 23%, NEWTAAS had a smaller proportion of Aboriginal clients in Barwon than the 32% recorded in 2019-20, still higher than the 16.9% of the population identifying as Aboriginal or Torres Strait Islander in the 2016 Census.

Incomes and rents

Median taxable income in Barwon in 2018-19 ranged from \$26,329 in Galargambone (postcode 2828), the low \$30,000s in Mendooran, and Lightning Ridge, \$35,783 in Coonabarabran, \$38,018 in Coonamble, \$40,749 in Pillaga, \$45,598 in Bourke, \$47,314 in Broken Hill and \$54,726 in Cobar.

Rents for three bedroom dwellings, in the 12 months to March 2021, ranged from \$230 (the lowest in the NEWTAAS catchment) in Coonamble, to \$365 in Narrabri (the highest in the NEWTAAS catchment), possibly related to mining being the biggest employer.

Median rent increases in the 12 months to

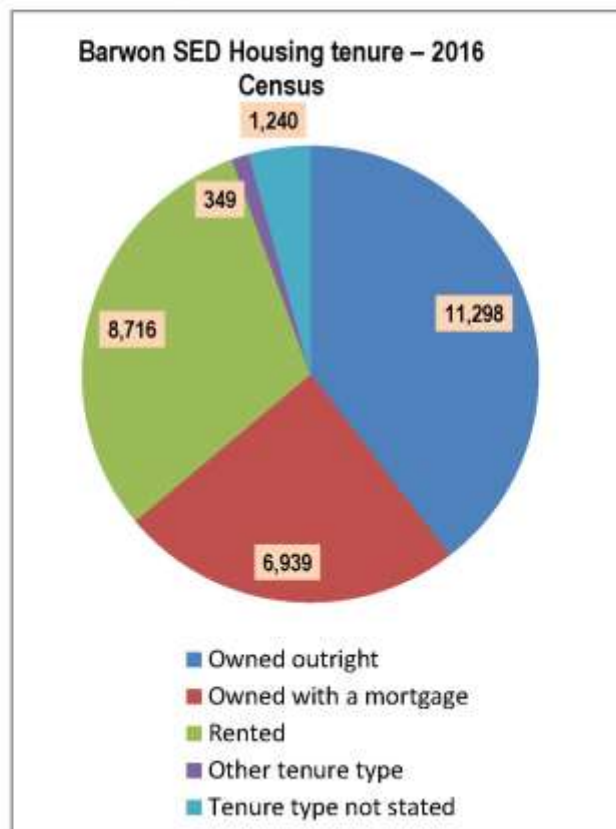
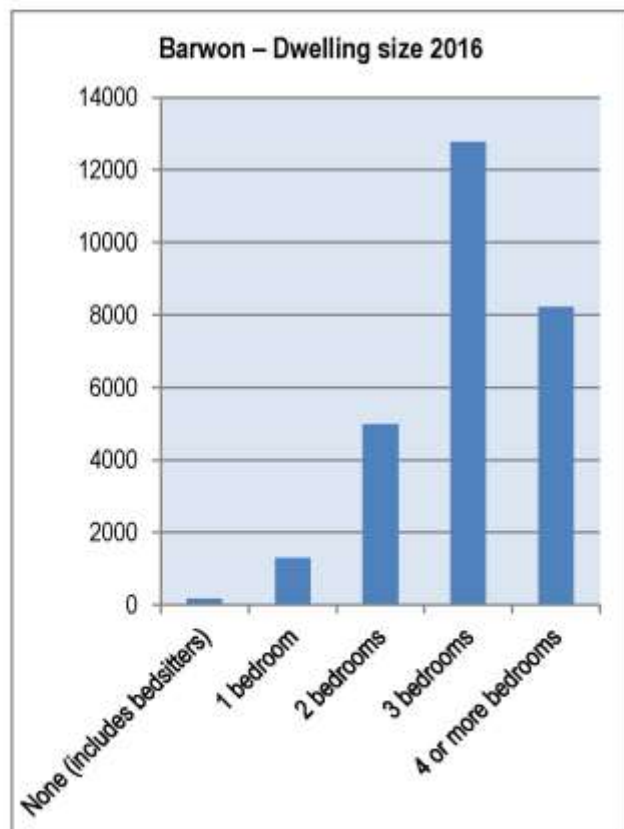
March 2021 for 2 bedroom dwellings included Broken Hill at 3.41% and Cobar at 12.82%. Rents for 2 bedroom dwellings fell in Narrabri by 4.35%. Median rents for 3 bedroom dwellings rose by 4.81% in Broken Hill, 6.98% in Coonamble, and 1.39% in Narrabri.

Disadvantage

Barwon does not seem to be facing the same pressure on rents as is being experienced elsewhere, caused by an influx of cashed up metro buyers. Nevertheless, high rents are of concern in various centres. NEWTAAS clients report they are experiencing great difficulty finding housing in Broken Hill and Narrabri. Low median incomes remain a problem.

The information available to us suggests that a household on or near the 2018-19 median income could be facing rental stress (paying more than 30% of income in rent) for a 3 bedroom dwelling in Narrabri, Kickabill and Coonamble. Rental stress would almost be a certainty for the high numbers of residents receiving CRA in larger centres.

Relative poverty is a bigger issue in Barwon than in other parts of NEWTAAS' catchment.



Barwon State Electoral District our area

Latest available figures show the proportion of CRA recipients, in December 2020, to taxpayers in 2018-19 is extremely high. CRA recipients are renters who are either on government benefits or very low employment incomes. CRA recipients to taxpayers is at 35.3% in Lightning Ridge, 32.4% at Collarenebri, and 26.3% in Brewarrina. It drops

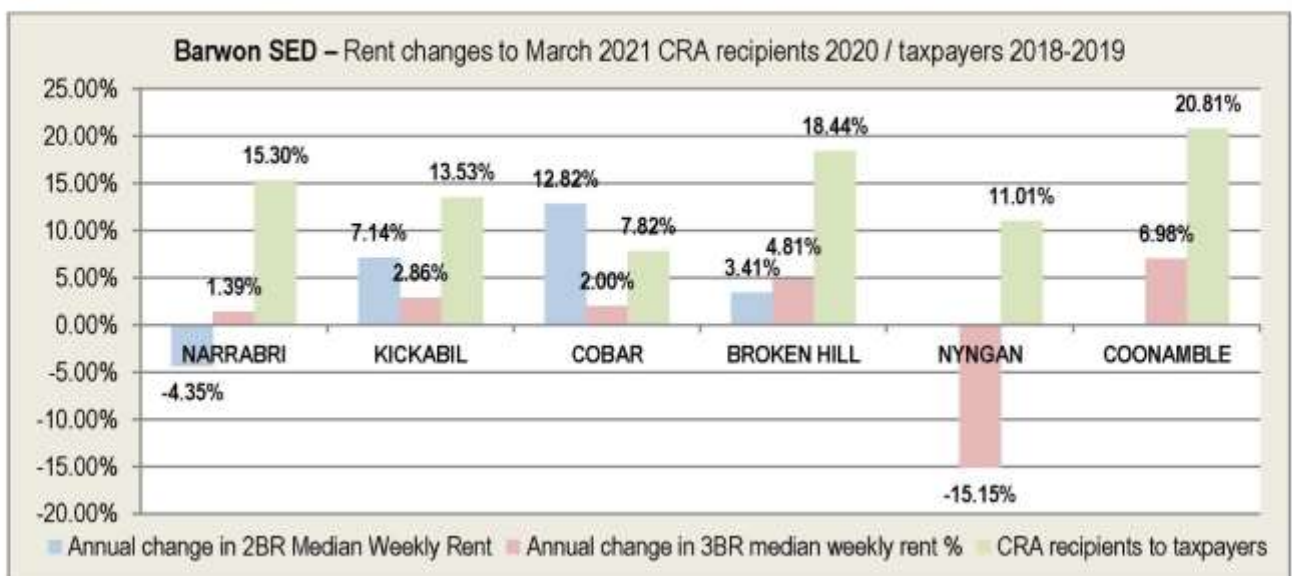
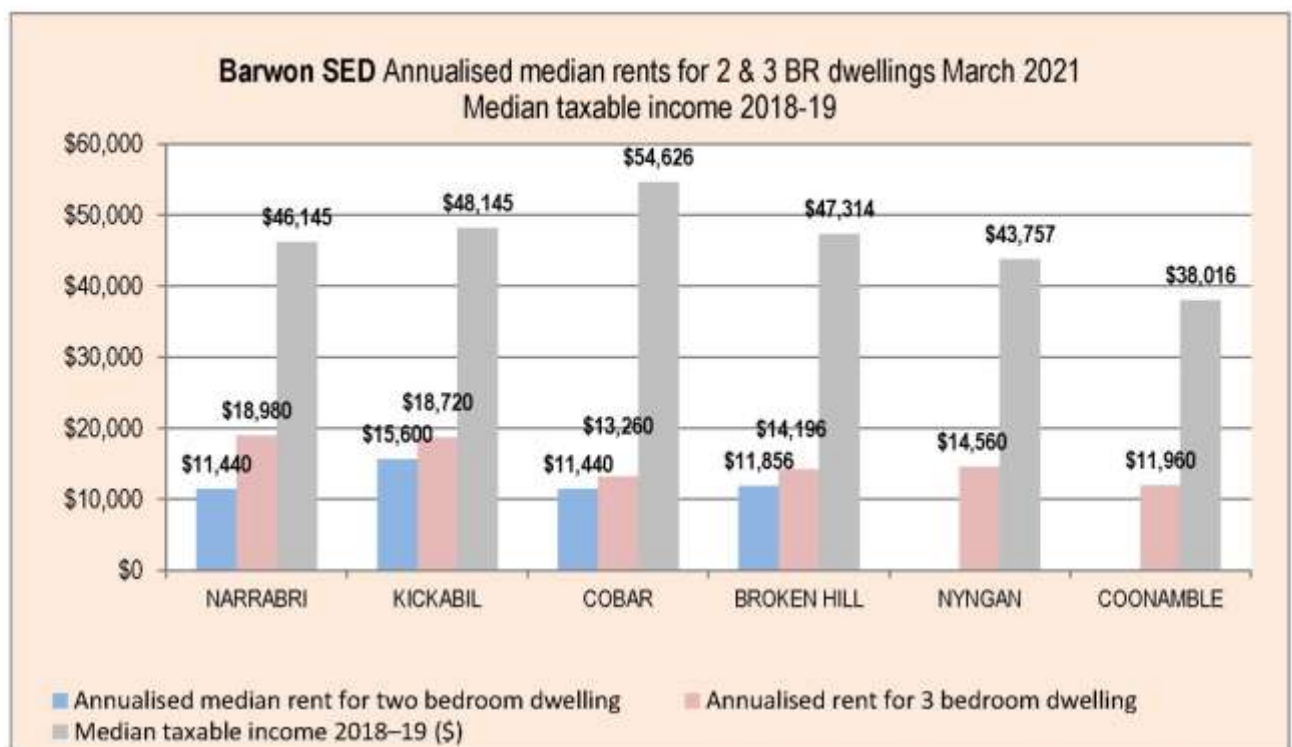
to around 20% in Wilcannia, Walgett and Gilgandra, is around 18% in Bourke and Broken Hill, 17.3% in Narrabri and 16.4% in Coonabarabran. In Cobar and Coolabah the proportion is less than 10%.

Cowboys and distance

Barwon has the highest proportion of landlords who are not represented by real

estate agents. Barwon also has the highest proportion of NETWAAS clients who are paying less than \$250 per week for their homes (59%).

In 2020-2021, NEWTAAS dealt with six actual or threatened unlawful lockouts in the Barwon electorate – the highest of any electorate in our catchment. These were in



our area Barwon State Electoral District

Coonabarabran (3), Broken Hill (2) and Gulargambone (1). Tamworth SED had four actual or threatened lockouts, Dubbo four, and the Northern Tablelands four.

NEWTAAS' work in Barwon SED is hampered by our clients lower accessibility to services. This has been greatly exacerbated by the COVID-19 crisis in 2020-21 and the effect of related restrictions on travel and face to face assistance.

For our clients who have lower access to the internet, and who often have a disability, dealing with tenancy disputes

has been particularly difficult. NCAT hearings are over the phone and there is greater emphasis on documentary evidence. This has been particularly challenging for many NEWTAAS clients.

This continues a trend from 2019-20, and is probably related to COVID issues compounding problems related to isolation and distance. NEWTAAS dealt with more bond and compensation and access matters. Issues related to NCAT and rent increases or reductions were down, while the number cases dealing

with repairs, and termination remained proportionate. Social housing disputes increased in absolute terms.

The number of new clients who provide an email address is only 42% – much higher than 19% in 2019-20. Nevertheless, the Barwon total is significantly lower than 51% in Northern Tablelands (down since 2019-20), and 54% in Tamworth. It is close to the 46% in Dubbo. This is an extra hurdle for tenants in Barwon trying to navigate tenancy disputes in a COVID-19 environment.

Suburb / postcode	NARRABRI	KICKABIL	COBAR	BROKEN HILL	NYNGAN	COONAMBLE
postcode	2390	2830	2835	2880	2825	2829
Median Weekly Rent for New Bonds_ \$ for 2 bedroom dwelling	\$220	\$300	\$220	\$228		
Annualised median rent for two bedroom dwelling	\$11,440	\$15,600	\$11,440	\$11,856		
Annual change in 2BR Median Weekly Rent	-4.35%	7.14%	12.82%	3.41%		
Median Rent for 3BR dwelling	\$365	\$360	\$255	\$273	\$280	\$230
Annualised rent for 3 bedroom dwelling	\$18,980	\$18,720	\$13,260	\$14,196	\$14,560	\$11,960
Annual change in 3BR median weekly rent %	1.39%	2.86%	2.00%	4.81%	-15.15%	6.98%
Individuals 2018-19_no#	4,922	24,786	2,147	8,861	1,363	1,485
Median taxable income 2018-19 (\$)	\$46,145	\$48,145	\$54,626	\$47,314	\$43,757	\$38,016
Average taxable income 2018-19_ \$	\$54,072	\$55,081	\$65,554	\$57,395	\$51,960	\$35,302
Value of 2 BR rent rise pa	-\$520.27	\$1,039	\$1,299	\$390.96		
Commonwealth Rent Assistance	753	3,353	168	1,634	150	309
CRA recipients to taxpayers	15.30%	13.53%	7.82%	18.44%	11.01%	20.81%
Median 2 bedroom rent 2020/median taxable income 2018/19	0.25	0.32	0.21	0.25		
Median 3 bedroom rent 2020/median taxable income 2018-19	0.35	0.34	0.20	0.25	0.28	0.34
Median Taxable income, 2016-17	\$44,286		\$53,785	\$44,723	\$43,152	\$43,168

our clients Barwon State Electoral District

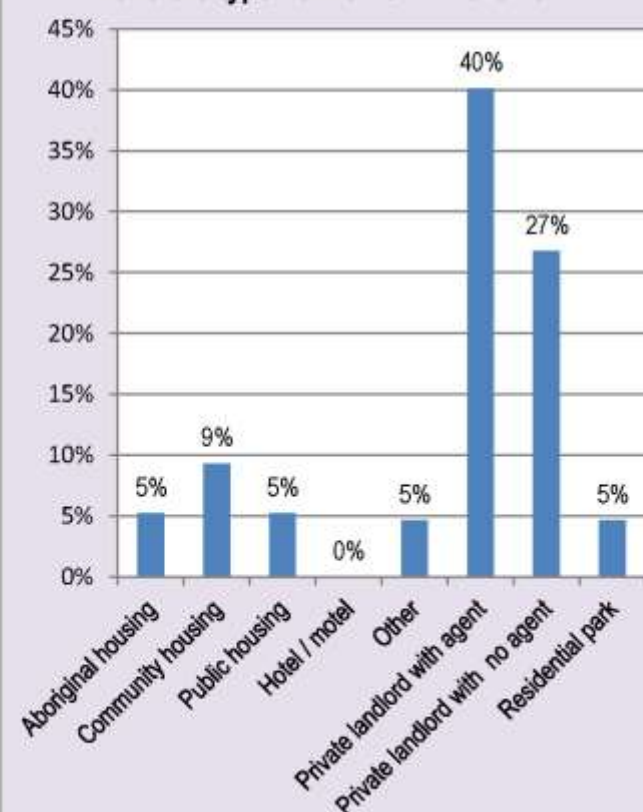
CASE STUDY Tenancy saved

An Aboriginal grandmother allowed her daughter and grandchildren to move in. The social housing landlord acted to terminate the tenancy. The tenant didn't comply with NCAT orders to make her daughter leave. We were contacted when the case went back to NCAT, and worked with the tenant, her daughter and the community service to help the daughter apply for housing elsewhere and move out. After a number of hearings we were able to prove compliance, and the application to terminate the tenancy was dismissed. The tenant has learned valuable lessons, but is still able to help her daughter and beloved grandchildren. **38.75 hours**

CASE STUDY NCAT follies

The tenant's NCAT application took six months to get to a formal hearing. The evidence was done. The hearing date was set. Everybody was on the phone. Ready. And then, the member told us that the paper file, which had been despatched from Sydney 4 days previous, had not arrived. It was another COVID casualty. The matter was adjourned, again, and is still awaiting its formal hearing.

Landlord type Barwon SED 2020-2021



All case studies are drawn from the Barwon State Electoral District

Tenure type Barwon 2021	Tenant	133	77%
	Cotenant	22	13%
	Subtenant	1	1%
	Other occupant	2	1%
	Park home owner	3	2%

Rents 2020-21 Barwon

Median Rent	\$210	
Average rent	\$217	
Rent ranges		
Total reported	132	
Under \$100	8	6%
\$100 - \$149	18	14%
\$150 - \$199	27	20%
\$200 - \$249	25	19%
\$250 - \$299	27	20%
\$300 - \$349	18	14%
\$350 and over	9	7%

Main Income Source Barwon 2020-21	Employed	40	25%
	Government transfer payments	109	69%
	Other	8	5%

CASE STUDY Bad puppies

The real estate agent issued a termination notice claiming the tenant had breached her tenancy agreement, by causing or permitting noise, nuisance, profane language, and puppies.

The tenant minded her young grandchildren from time to time. The puppies belonged to the tenant's daughter, and stayed for a couple of days only until they were vaccinated.

NEWTAAAS advised the tenant who then told the landlord that she had been advised she did not have to move until NCAT ordered her to do so. The breaches of the agreement had been fixed, the tenant said, adding that she had good references from neighbours.

The Real Estate Agent agreed to let the tenant stay, provided she did not breach the agreement again. **5 hours**

Barwon State Electoral District **our clients**

ATSI and gender Barwon 2021	ATSI	39	23%
	Female	115	67%

Access to technology – Barwon 2020-2021		
Number of clients listing a mobile number as their primary contact phone	152	75%
Number of new clients with email address supplied	42	43%
Number of clients with primary access to internet through mobile phone (estimate)	30% of those with an email address.	

Households Barwon 2020-21	Household type	Number in 2020-2021	% of cases involving
	Total Cases	172	100%
	Couple	14	8%
	Family	22	13%
	Group	2	1%
	Extended family	4	2%
	Single	71	41%
	Sole Parent	41	24%

Client age Barwon 2020-21	Under 25 years	8	5%
	25-50	104	60%
	51-65	28	16%
	Over 65	25	15%

NEWTAAS offices and NCAT hearing venues

NCAT hearing venues are currently not active due to COVID

Dubbo

Dubbo weekly
Bourke
Broken Hill
Brewarrina
Coonamble

Gilgandra
Mudgee
Warren

Armidale

Armidale fortnightly
Inverell
Glen Innes
Tenterfield
Moree

Tamworth

Tamworth weekly
Coonabarrabran
Gunnedah
Moree
Narrabri

CASE STUDY Good relations get good outcome in caravan park

The resident lived in a council caravan park in his own van. He had been chasing the park owner for ages to get repairs done to the park facilities.

The problems became worse when the park flooded in 2021 at the end of the drought. The park owners had carried out substantial improvements in the previous year. But they had not factored in the drought ending. The park had inadequate drainage.

The whole park turned into a virtual swimming pool. NEWTAAS advocated for the resident, and pushed the council to install proper drainage. This was started soon after NEWTAAS contacted the council. Alternate accommodation was provided while the repairs were done. Both NEWTAAS and the resident maintain very good relations with the Park management, and this was a key reason for the successful outcome. **15.75 hours**

NEWTAAS provides assistance to all renters who contact us. The level of assistance depends on the capacity of the renter to effectively deal with the issues they are facing. Higher levels of assistance are provided to tenants who have low literacy or who face circumstances where they can't represent themselves.

CASE STUDY NEWTAAS help helps tenant move on

This single mother of five was referred by her local homelessness support service. There was a mix of tenancy issues including repairs, rental arrears and termination.

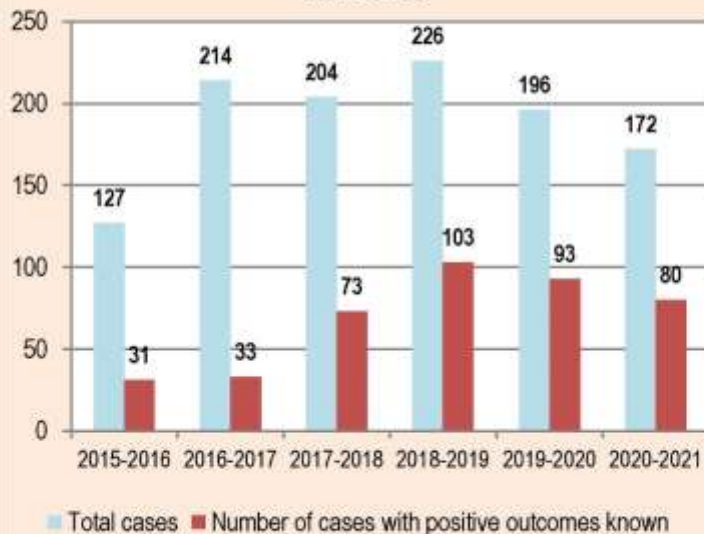
Over seven months we helped the tenant address these issues. The process was made more complicated because the agent clearly didn't know or understand the Residential Tenancies Act 2010.

We helped the tenant to a successful outcome in the Tribunal. The tenancy was ended, but with sufficient time to find other accommodation.

The tenant and her family are now settled into their new home, leaving behind the stress of dealing with an agent who felt they were entitled to call their own shots when it comes to tenancy law.

our results Barwon State Electoral District

Barwon SED cases with known positive outcomes

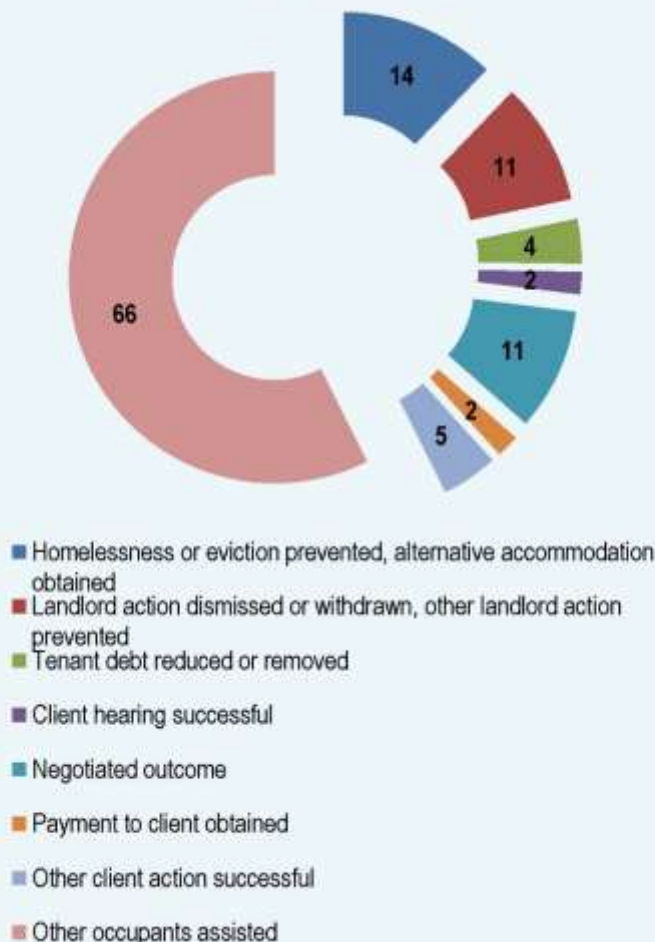


NEWTAAS has been able to achieve outstanding results for tenants with very limited resources.

In 47 per cent of cases, tenant advocates working with clients in the Barwon SED have recorded positive outcomes for tenants and others.

These outcomes extend across issues and the types of work undertaken. Where matters have to be litigated, the time needed for a successful outcome is much greater.

Barwon SED – positive outcomes achieved for tenants 2020-21



Barwon - Good outcomes achieved for tenant	Number of cases with positive outcomes known	Time spent (hours)	Average time per case (hours)
2015-2016	31	369.0	11.9
2016-2017	33	422.5	12.8
2017-2018	73	400.8	5.5
2018-2019	103	243.0	2.4
2019-2020	93	510.8	5.5
2020-2021	80	655.5	8.2

In 2020-2021 in Barwon, a different year on many levels, the number of NEWTAAS cases fell somewhat. However the number of person-hours required to deal with the fewer cases rose absolutely. This continues a trend from 2019-20, and is probably related to COVID issues compounding problems related to isolation and distance.

The graphs at left and table above show how NEWTAAS staff have consistently maintained a high standard of support for tenants who need our help. Our robust systems and the quality and dedication of our staff are behind these outstanding results.

The results show that the resources to properly train staff are well spent. Contract certainty and pay improvements flowing from the Equal Remuneration Order have helped us retain workers and help them improve their capacity through training and experience.

our results

Where our positive outcomes show “other occupants assisted”, this overwhelmingly refers to households where children benefit from the tenancy result.

The tables below show outcomes achieved across NEWTAAS' catchment.

Positive outcomes achieved for clients by work type and issues dealt with, Dubbo SED 2020– 2021											
of 297 total cases	Cases - good result	Bond	Boarding Houses	Access	NCAT	Rents	Repairs	Share Housing	Social Housing	Termination	Total Hours
Cases with advocacy sessions	24	8	0	6	21	15	9	0	10	15	628
Only advice, referral assistance	100	25	0	13	56	44	40	4	21	53	158.75

Positive outcomes achieved for clients by work type and issues dealt with, Barwon SED 2020 – 2021											
of 172 total cases	Cases - good result	Bond	Boarding Houses	Access	NCAT	Rents	Repairs	Share Housing	Social housing	Termination	Total Hours
Cases with advocacy sessions	21	5	0	13	20	16	9	0	10	19	537.75
Advice, referral assist	56	14	0	11	30	22	20	0	9	34	117.75

Positive outcomes achieved for clients by work type and issues dealt with, Northern Tablelands SED 2020 – 2021											
of 461 total cases	Cases - good result	Bond	Boarding Houses	Access	NCAT	Rents	Repairs	Share Housing	Social Housing	Termination	Total Hours
Cases with advocacy sessions	44	14	0	10	33	19	17	0	22	25	1014
Only advice, referral assistance	190	39	2	33	88	77	71	7	38	96	288.75

Positive outcomes achieved for clients by work type and issues dealt with, Tamworth SED 2020 – 2021											
of 430 total cases	Cases-good result	Bond	Boarding Houses	Access	NCAT	Rents	Repairs	Share Housing	Social Housing	Termination	Total Hours
Cases with advocacy sessions	43	21	0	7	40	30	12	0	17	25	1078.5
Advice, referral, assist	205	46	0	42	121	103	76	9	25	116	383.5

**NEW ENGLAND AND WESTERN TENANTS ADVICE AND
ADVOCACY SERVICE INCORPORATED
ABN 31 279 732 390**

**SPECIAL PURPOSE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2021**

New England and Western Tenants Advice and Advocacy Service
Incorporated (ABN 31 279 732 390)
(An Incorporated Association)

Special Purpose Financial Report

For the year ended 30 June 2021

Contents to the financial report

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Statement of cash flows	8
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Committee's Report

Your committee members submit the financial statements of the New England and Western Tenants Advice and Advocacy Service Incorporated ("NEWTAAS") for the year ended 30 June 2021.

Committee Members

The names of the Committee members throughout the year and at the date of this report are:

Anne Wolfenden (President)
Elizabeth Stahlut (Treasurer)
Christine Foord (Secretary)
Marjorie Henzell
Brian Humphreys
Jennifer Bourke
Noel Marshall

Principal Activities

No significant change in the principal activities occurred during the year. The service continued with its objectives of providing information, advice and advocacy services to tenants across the New England, North West, Western and Far West of New South Wales.

The core grant funding contract with the NSW Fair Trading was renewed as at September 2019 for a further 3 years until 30 June 2022.

Additional one-off funding as part of the NSW government response to the COVID-19 pandemic was also received from NSW Fair Trading for 1 FTE for one year commencing in May 2020.

After balance date events

An application for funding for an additional 0.5 FTE has been made to NSW Fair Trading which is likely to be approved for the 2021-2022 financial year.

A permanent increase in the core funding may be offered as part of the 2022 funding for the program.

Going Concern

The financial statements have been prepared on a going concern basis. The current funding contract expires on 30 June 2022.

It is expected that an application process will be run before the expiry of the contract for the funding period 1 July 2022-30 June 2025.

NEWTAAS has been offering TAAS services since 2002 and consistently meets funding criteria. It is therefore considered likely that NEWTAAS will be successful in their application.

However, should NEWTAAS be unsuccessful in their tender application then the organisation would be wound up, as it is dependent on Grant funding to operate.

Committee Report Cont.

Operating Result

The operating deficit for the year ending 30 June 2021 is \$Nil, (2020 deficit of Nil).


Signed in accordance with a resolution of the members of the committee:

Chair



Anne Wolfenden

Member



Elizabeth Stahlhut

Dated: 25th August 2021

New England & Western Tenants Advice & Advocacy Service Inc.

Statement of profit or loss and other comprehensive income for the
Year ended 30 June 2021

	2021	2020
	\$	\$
Revenue		
Grant – Core Funding	618,746	535,199
Grant – Non Core Funding	90,438	82,447
Reimbursable expenses	969	1,250
Other Income	14,721	8,926
Cash Flow Boost Government Funding	27,442	43,050
Interest	3,568	5,128
Total revenue	755,884	676,000
Expenditure		
Salary and Related Expenses		
Salaries and Wages	513,350	438,959
On-costs	135,779	135,167
Total Salary and Related Expenses	649,128	574,126
Other Operating Expenses		
Phones & Communication	20,385	13,489
Language or Cultural Services	878	1,535
Depreciation	12,371	7,873
Operating Management	14,977	21,276
Office Expenses	13,417	9,557
Consumables	2,066	2,005
Insurance	7,201	5,555
Rent	26,537	25,728
Staff/Volunteer Training	Nil	327
Transport and Motor Vehicle Costs	8,923	14,529
	106,756	101,874
Total Expenditure	755,884	676,000
Current year deficit before income tax	Nil	Nil
Income tax expense	Nil	Nil
Net Current year deficit	Nil	Nil

New England & Western Tenants Advice & Advocacy Service Inc.

Statement of profit or loss and other comprehensive income for the
Year ended 30 June 2021 (Cont.)

Other comprehensive income

Items that will not be reclassified subsequently to
profit or loss when specific conditions are met.

Nil

Nil

Items that will be reclassified subsequently to profit
or loss when specific conditions are met

Nil

Nil

Total other comprehensive income for the year

Nil

Nil

Total comprehensive income for the year

Nil

Nil

**Total comprehensive income attributable to
members of the entity**

Nil

Nil

The accompanying notes form part of these financial statements.

New England & Western Tenants Advice & Advocacy Service Inc.

Statement of financial position as at 30 June 2021

	Note	2021	2020
ASSETS		\$	\$
CURRENT ASSETS			
Cash and Cash Equivalents		512,804	511,560
Accounts receivable and other debtors	2	2,760	28,465
Shares		10	10
Total Current Assets		515,574	540,035
NON-CURRENT ASSETS			
Plant & equipment	3	23,980	21,542
Total Non Current Assets		23,890	21,542
Total Assets		539,554	561,577
LIABILITIES			
CURRENT LIABILITES			
Accounts payable and other payables		20,836	28,789
Employee provisions	4	392,968	314,809
Other current liabilities	5	11,918	99,711
Total Current Liabilities		425,722	443,309
NON CURRENT LIABILITES			
Employee provisions	4	99,073	103,509
Total Non Current Liabilities		99,073	103,509
Total Liabilities		524,795	546,818
NET ASSETS		14,759	14,759
Equity		14,759	14,759
Retained surplus/(Deficit)		Nil	Nil
Total Equity		14,759	14,759

The accompanying notes form part of these financial statements.

New England & Western Tenants Advice & Advocacy Service Inc.

Statement of changes in equity for the Year ended 30 June 2021

	Equity
	\$
Balances at 1 July 2019	14,759
Comprehensive Income	
Deficit for the year attributable to members of the entity	Nil
Other comprehensive income for the year	Nil
Total comprehensive income attributable to members of the entity	14,759
 Balance at 30 June 2020	 14,759
Comprehensive Income	
Surplus for the year attributable to members of the entity	Nil
Other comprehensive income for the year	Nil
Total comprehensive income attributable to members of the entity	Nil
 Balance at 30 June 2021	 14,759

New England & Western Tenants Advice & Advocacy Service Inc.

Statement of cash flows for the Year ended 30 June 2021

	2021 \$	2020 \$
Cash flows from operating activities		
Grant income	698,775	655,514
Interest received	3,568	5,128
Payments to employees	(565,501)	(483,845)
Payments to suppliers	(120,788)	(139,512)
Net cash (used in)/generated from operating activities	16,054	37,285
Cash flows from investing activities		
Payment for plant and equipment	(14,810)	(11,154)
Net cash used in investing activities	(14,810)	(12,268)
Net increase/ (decrease) in cash held	1,244	26,131
Cash on hand at the beginning of the financial year	511,560	485,429
Cash on hand at the end of the financial year	512,804	511,560

Note 1 Summary of Significant Accounting Policies

Basis of preparation

These financial statements are special purpose financial statements prepared in order to satisfy the financial reporting requirements of the *Australian Charities & Not for Profits Commission Act, 2012* ("ACNC") and grant funding conditions.

The financial statements have been prepared on an accruals basis and are based on historical costs and do not take into account changing money values or, except where specifically stated, current valuations of non-current assets. The financial statements are presented in Australian dollars.

NEWTAAS ("the Association") is a registered charity under the ACNC and is classified as a medium entity. Under the ACNC reporting requirements NEWTAAS is required to apply the following six accounting standards as a minimum to the extent that they are relevant:

- AASB 101 Presentation of Financial Statements;
- AASB 107 Statement of cash flows;
- AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors;
- AASB 1048 Interpretation of standards;
- AASB 1054 Australian Additional Disclosures.

The following significant accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

(a) Income Tax

The Association is exempt from Income Tax and accordingly no provision has been made.

Notes to the Financial Statements for the Year Ended 30 June 2021 (Cont.)

(b) Plant and Equipment (PPE)

Plant and equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all PPE is depreciated over the useful lives of the assets to the Association commencing from the time the asset is held ready for use.

When the written down value of PPE is Nil an assessment is made by management and a decision made to write off. Any subsequent profit on sale is recognised as revenue.

(c) Impairment of Assets

At the end of each reporting period, the Association reviews the carrying values of its tangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is recognised in the statement of profit or loss and other comprehensive income.

(d) Employee Benefits

Provision is made for the Association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

(e) Provisions

Provisions are recognised when the Association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result, and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at the end of the reporting period.

(i) Redundancy

Redundancy provisions are measured in accordance with the minimum standards contained in the National Employment Standards and are essential given that NEWTAAS is dependent on cyclical government funding. These provisions may be required to be paid out immediately if the organisation was unsuccessful in winning one 3-year grant funding tender.

(ii) Personal/Carers Leave

The Association records a potential liability for personal leave for all permanent part-time and full-time employees. The amount is measured at its nominal value at balance date and includes related on-costs. Although this provision does not comply with Accounting Standards, it represents the liability of NEWTAAS to employ casual staff or increase part time employee hours to cover time lost as part of their commitment to continuity of service delivery from a small organisation.

New England & Western Tenants Advice & Advocacy Service Inc.

Notes to the Financial Statements for the Year Ended 30 June 2021 (Cont.)

(iii) Locum

The Association's funding contract requires that a service be deliverable to all residential tenants in the New England, North West, Western and Far West areas of New South Wales. The entity records a potential liability for casual staff that may be required to satisfy periods of high demand. This includes ensuring continuity of service delivery during periods of orientation and training as new staff learn their roles. This provision does not comply with Accounting Standards and is measured by management's best estimate.

(f) Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

(g) Revenue and Other Income

Revenue is measured at the fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed.

Interest revenue is recognised when received.

Grant and Donation income is recognised when the Association obtains control over funds. Control over core grant income received occurs when it is applied in accordance with funding guidelines as set down in the funding agreement. The Association has no right to recognise funds as income unless they are applied in accordance with the funding agreement guidelines. Any excess funds remaining at the end of the grant period are to be repaid to the funding body. If grant conditions are not satisfied the revenue is deferred and recognised as a liability.

All revenue is stated net of the amount of goods and services tax (GST).

(h) Leases

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

(i) Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the Statement of Financial Position.

(j) New and Amended Accounting Standards Adopted

During the current year the Association adopted all new and amended Australian Accounting Standards and Interpretations applicable to its operations which became mandatory.

(k) New Accounting Standards applicable in future periods

The AASB has issued new and amended Accounting Standards and Interpretations that have mandatory application dates for future reporting periods.

The committee members have decided against early adoption of these Standards, but do not expect the adoption of these standards to have any impact on the reported position or performance of the Association. If the Association in the future enters into a long term rental lease, a right to use asset might emerge.

(l) Going Concern and Economic Dependence

NEWTAAS is dependent on NSW Fair Trading - Department of Finance and Services for the majority of its revenue used to operate the business. There is a current funding contract in place ending 30 June 2022. At the date of this report the committee have no reason to believe the Commissioner for Fair Trading, Department of Finance and Services will not continue to provide funding to NEWTAAS into the foreseeable future. As a result, the financial statements have been prepared on a going concern basis.

New England & Western Tenants Advice & Advocacy Service Inc.

Notes to the Financial Statements for the Year Ended 30 June 2021 (Cont.)

Note 2 Accounts receivable and other debtors

	2021	2020
	\$	\$
Accounts Receivable	1,261	10,660
Prepayments	Nil	1,166
Reimbursable Expenses	146	146
Accrued Income	Nil	15,140
Power Bank Deposit	320	320
Bond Guarantee	1,033	1,033
Total Trade and Other Receivables	<u>2,760</u>	<u>28,465</u>

Note 3 Property, Plant and Equipment

	2021	2020
	\$	\$
Office Equipment	56,870	61,583
Less: Accumulated Depreciation	(32,890)	(40,041)
Total Property, Plant and Equipment	<u>23,980</u>	<u>21,542</u>

	2021
	\$
Carrying amount at 30 June 2020	21,542
Asset Purchases	14,809
Profit/Loss on disposal of Equipment	Nil
Depreciation	12,371
Closing Balance at 30 June 2021	<u>23,980</u>

New England & Western Tenants Advice & Advocacy Service Inc.

Notes to the Financial Statements for the Year Ended 30 June 2021 (Cont.)

Note 4 Employee Provisions

	2021	2020
	\$	\$
Current		
Annual Leave	96,049	87,547
Long Service Leave	60,587	57,696
Personal/Carers Leave	30,635	28,911
Locum & Salaries	192,999	138,100
Time in Lieu	12,698	2,555
	392,968	314,809
Non Current		
Redundancy	90,287	88,049
Long Service Leave	8,786	15,460
	99,073	103,509

Note 5 Other Current Liabilities

	2021	2020
	\$	\$
Income in Advance	Nil	87,698
Tax payable (GST)	11,918	12,013
	11,918	99,711

Note 6 Leasing Commitments

Operating Lease Commitments	2021	2020
	\$	\$
Rent of offices in Armidale, Dubbo and Tamworth Payable		
– minimum monthly lease payments	2,251	2,198
– not later than 12 months	27,014	26,371
– between 12 months and five years	Nil	27,014
– greater than five years	Nil	Nil
	29,265	55,582

New England & Western Tenants Advice & Advocacy Service Inc.

Notes to the Financial Statements for the Year Ended 30 June 2021 (Cont.)

The Armidale office Minto property lease was entered into in May 2020 and commenced on the 1 July 2020, running until June 2022. It is a two year non-cancellable lease, with rent payable monthly in advance. There are contingent rental provisions within the lease agreement requiring that the minimum lease payments shall be increased by a maximum of the Consumer Price Index per annum.

The other offices are located in Dubbo and Tamworth. Both these offices have an informal Memorandum of Understanding ("MOU") in place.

A new MOU enabling NEWTAAS to co-locate offices with the Dubbo Neighbourhood Centre in Dubbo was entered into in September 2019 and runs until the end of the funding period June 2022. The rent is \$10,500 per annum including GST with a CPI or 3% increase each year. Rent is payable quarterly in advance.

The Tamworth office is a single office sublet under an MOU with Disability Advocacy NSW, with rent payable monthly in advance with CPI increments annually. This arrangement is reviewed annually. Disability Advocacy NSW is currently considering relocation of their Tamworth office, and NEWTAAS has been included into their considerations and will relocate with them.

Note 7 Contingent liabilities and capital commitments

Contingent liabilities

To the best of the manager's and members of the Committee's knowledge and belief there are no contingent liabilities at balance date.

Capital commitments

To the best of the manager's and members of the Committee's knowledge and belief there are no other capital commitments at balance date.

Note 8 Related Parties

There were no known related party dealings.

Note 9 Events after the end of the Reporting Period

No matters or circumstances have arisen since the end of the financial year which significantly affected or could significantly affect the operations of the Association, the results of those operations, or the state of affairs of the Association in future financial years.

Statement by Members of the Committee
For the Year Ended 30 June 2021

The Committee has determined that the Association is not a reporting entity and that these special purpose financial statements should be prepared in accordance with the accounting policies outlined in Note 1 to the financial Statements.


In the opinion of the Committee and in accordance with the *Australian Charities & Not for Profits Commission Act, 2012*, the attached special purpose financial statements:

1. Present a true and fair view of the financial position of New England and Western Tenants Advice and Advocacy Service Incorporated as at 30 June 2021 and its performance for the year ended on that date.
2. At the date of this statement there are reasonable grounds to believe that New England and Western Tenants Advise and Advocacy Service Incorporated will be able to pay its debts as and when they become due and payable.

In determining their opinion above the committee have taken into consideration the going concern information set out in Note 1(l) to these accounts.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

Chair 
Anne Wolfenden

Member 
Elizabeth Stahlnt

Dated: 25 August 2021

**New England and Western Tenants Advice
and Advocacy Service Incorporated
ABN 31 279 732 390**

**AUDITOR'S INDEPENDENCE DECLARATION
UNDER SECTION 60-40 OF THE AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS
COMMISSION ACT 2012**

**TO THE DIRECTORS OF NEW ENGLAND AND WESTERN TENANTS ADVICE AND
ADVOCACY SERVICES INCORPORATED**

- I declare that, to the best of my knowledge and belief, during the year ended 30 June 2021 there have been:
- i. no contraventions of the auditor independence requirements as set out in the *Australian Charities and Not-for-profits Commission Act 2012* in relation to the audit; and
 - ii. no contraventions of any applicable code of professional conduct in relation to the audit.

Forsyths



**Paul Cornall
Principal**

30 August 2021
121 Rusden Street, Armidale

New England and Western Tenants Advice and Advocacy Service Incorporated ABN 31 279 732 390

Independent Auditor's Report

Report on the Financial Statements

We have audited the accompanying financial statements of New England & Western Tenants Advice and Advocacy Service Incorporated which comprises of, the statement of financial position as at 30 June 2021, statement of profit or loss and other comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes to the financial statements, and the statement by members of the committee.

Committee's responsibility for the Financial Statements

The committee of New England & Western Tenants Advice and Advocacy Service Incorporated is responsible for the preparation of the financial statements, and has determined that the basis of preparation described in Note 1 is appropriate to meet the requirements of the *Associations Incorporation Act (NSW) 2009* and *Australian Charities and Not-for-profits Commission Act 2012* and is appropriate to meet the needs of the funding body. The committee's responsibility also includes such internal control as the committee determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on the financial statements based on our audit. No opinion is expressed as to whether the accounting policies used as described in Note 1, are appropriate to meet the needs of the members. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the

effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the members of the board, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Opinion

In our opinion, the financial statements of New England and Western Tenants Advice and Advocacy Service Incorporated are in accordance with *The Associations Incorporations Act 2009* and Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012*, including:

- (a) giving a true and fair view of the association's financial position as at 30 June 2021 and of its performance for the year ended on that date; and
- (b) complying with Australian Accounting Standards to the extent described in Note 1 and complying with the *Australian Charities and Not-for-profits Commission Regulations 2013*.

Basis of Accounting and Restriction on Distribution

Without modifying our opinion, we draw attention to Note 1 to the financial statements which describes the basis of accounting. The financial statements are prepared for the purpose of fulfilling the committee's financial reporting responsibilities under *The Associations Incorporations Act 2009* and *Australian Charities and Not-for-profits Commission Act 2012*. As a result, the financial statements may not be suitable for another purpose.

Forsyths



Paul Cornall
Principal

121 Rusden Street, Armidale,

Dated this 30th August 2021