

NEW ENGLAND AND  
WESTERN  
TENANTS ADVICE  
AND  
ADVOCACY SERVICE  
INCORPORATED



ANNUAL REPORT

2021-2022

# 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  
Tenant Advocate – 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, 1<sup>st</sup> 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](mailto: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 2021-2022**

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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.

**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.

**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, and has been the Secretary for the past year.

**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 2022***

Anne Wolfenden	President
Elizabeth Stahlut	Treasurer
Jennifer Bourke	Secretary
Marjorie Henzell	Member
Noel Marshall	Member

## *President's Report*



Well, if last year wasn't challenging enough, can I say that this year has proven even worse for our clients, staff and community, with people being made homeless through floods, COVID and misfortune.

We were very grateful to have the extra position provided as part of the government's response to the COVID pandemic extended for the year. We were also glad to see a permanent boost to the 0.5 EFT position re-funded.

The statistics for this year have been confronting as the people at risk of homelessness increased from 20% to 28% of our clients this year.

Our staff have visited the region's Members of Parliament with our support to lobby for more social and affordable housing in the face of rental crisis that we continue to face.

KerryAnn had a fantastic folder of statistics to present to the local Members of Parliament to show how desperate the housing situation is across our region. In the meeting I attended with her, I could see how impressed the Member was with the work of the service.

However, it's a complex problem at both federal and state levels, and there are no easy or quick solutions. This year, not much obvious progress has been made to increasing the social housing stock by Government, and to open up other options for more flexible and accessible housing. In the face of climate change enhanced natural disasters, the need is more desperate with each passing month.

Our staff have gone above and beyond this year and the Management Committee have expressed their appreciation to the staff on a number of occasions at the outstanding commitment shown by our staff.

I want to say a big thank you to KerryAnn, Tamara, Linda, Chelsea, Mark and Julia. We have said goodbye to Michelle and Emma who have left us to take on the work of disability advocacy, and to Melissa who has gone to advocacy for Aboriginal families with children facing custodial sentences.

I would also like to thank the members of the Management Committee for their ongoing support and commitment. I am most grateful to Elizabeth, Jenny, Marjorie and Noel. We hope to see the Committee expand this year. We remain committed to delivering an excellent service, and we look forward to continuing that.

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 and Melissa O'Donnell were able to continue with us to help carry the load.



Julia Murray was able to continue with us this year to our great relief. Melissa, who worked remotely, finished with us in November 2021, and Emma Knight in the Armidale office and Michele McGoldrick in the Tamworth office both finished in June 2022. Both Emma and Michele have gone to work for Disability Advocacy NSW, so they are continuing to make an outstanding contribution. I have told Heidi in the Tamworth DA office that they're not allowed to poach any more of our staff! Chelsea was successful in applying for the Armidale position, and we are so delighted she is continuing with us.

So our normal small band of warriors has been supplemented this past year, and Tamara, Linda, Chelsea 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.

I am looking forward to the certainty of a funding contract for five years so that we can stabilise our staff in Tamworth and Armidale. It's very difficult to employ highly skilled and qualified staff without the certainty of a long-term contract. I was very glad to submit our application for the funding!

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 and Noel 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 July- Sept	15/16 Oct- June	Oct- June %	Annual	16/17	%	17/18	%	18/19	%	19/20	%	20/21	%	21/22	%
Total number of clients	370	1140		1382	1558		1430		1913		1688		1709		1938	
1800 calls	754	1992		2746	2814		3542		3687		3171		3171		2588	
Identify as having a disability	72	210	18.5%	19.0%	275	20.1%	314	22.0%	347	21.8%	372	22.0%	449	26.3%	436	22.5%
Identify as Aboriginal or Torres Strait Islander	77	256	22.5%	21.7%	338	24.6%	350	24.5%	389	24.4%	355	21.0%	346	20.2%	413	21.3%
Under 25	26	107	9.4%	8.2%	128	9.3%	113	7.9%	139	8.7%	126	7.5%	109	6.4%	128	6.6%
55-74 / 55-64	41	84	7.3%	9.5%	156	11.3%	152	10.6%	163	10.2%	140	8.3%	139	8.1%	162	8.4%
Over 75 / 65 and over	13	55	480.0%	4.2%	80	5.8%	102	7.1%	137	8.6%	142	8.4%	129	7.5%	126	6.5%
Single person household	94	89	29.6%	27.0%	339	21.8%	491	34.3%	610	31.9%	533	31.6%	540	31.6%	535	27.6%
Identify as sole parents	74	66	22.0%	21.0%	289	18.5%	325	22.7%	358	18.7%	347	20.6%	360	21.1%	352	18.2%
Couples with children	59	69	23.0%		273	17.5%	306	21.4%	317	16.6%	251	14.9%	203	11.9%	251	13.0%
Extended family					68	4.4%	89	6.2%	104	5.4%	100	5.9%	83	4.9%	88	4.5%
Group household	15	11	3.6%	3.8%	137	8.8%	74	5.2%	108	5.6%	98	5.8%	92	5.4%	94	4.9%
Employed	85	116	33.1%	27.2%	410	26.3%	558	39.0%	654	34.2%	495	29.3%	440	25.7%	523	27.0%
In receipt of income support	196	218	62.1%	57.3%	860	55.2%	937	65.5%	1080	56.5%	965	57.2%	965	56.5%	927	47.8%
Renting through an agent	140	581	50.9%	48.2%	892	62.7%	884	61.8%	904	47.3%	1027	60.8%	947	55.4%	1085	56.0%
Renting in social housing	102	230	20.2%	24.8%	233	16.3%	277	19.4%	272	14.2%	347	20.6%	365	21.4%	445	23.0%

TU Database /new TAAP database	15/16 July-Sept	15/16 Oct-June	Oct-June %	Annual	16/17	%	17/18	%	18/19	%	19/20	%	20/21	%	21/22	%
Domestic violence in the tenancy													44	2.6%	63	3.3%
Homeless/At risk of homelessness	69				193	13.6%	268	18.7%	348	18.2%	240	14.2%	345	20.2%	540	27.9%
Referred by NCAT	34	121	11.8%	10.2%	167	10.7%	138	9.7%	150	7.8%	165	9.8%	86	5.0%	103	5.3%
Referred by Community organisation	50	197	19.2%	16.1%	202	12.9%	257	18.0%	252	13.2%	242	14.3%	247	14.5%	318	16.4%
Received advocacy	122	280	24.5%		216	15.1%	280	19.6%	275	14.4%	243	14.4%	207	12.1%	287	14.8%
Assisted to prepare for NCAT (not NCAT representation)	87	159	13.9%		200	14.1%	299	20.9%	348	18.2%	283	16.8%	266	15.6%	209	10.8%
Represented/attended at NCAT hearing	74	223	19.5%		252	17.7%	323	22.6%	290	15.2%	226	13.4%	93	5.4%	111	5.7%
Rental bond and compensation	138	294	25.8%	432	480	30.8%	551	38.5%	380	26.5%	364	21.6%	463	27.1%	540	27.9%
Repairs	121	298	26.1%	419	497	42.0%	515	36.0%	375	26.2%	366	21.7%	472	27.6%	513	26.5%
Rent and other charges	117	427	37.5%	544	655	31.9%	723	50.6%	564	39.4%	555	32.9%	630	36.9%	670	34.6%
Termination	191	483	42.4%	674	739	47.4%	814	56.9%	628	43.9%	578	34.2%	796	46.6%	919	47.4%
Total time - hours											6289.5		6901		6335.25	
% Time – Information						8.8%		7.4%		7.2%	562.50	8.9%	212.25	3.1%	256.50	13.2%
% Time – Advice						53.0%		64.5%		58.1%	3693.75	58.8%	3306.00	47.9%	2966.00	153.0%
% Time – Non-Tribunal Advocacy						15.2%		11.7%		11.6%	1266.75	20.2%	1245.75	18.1%	1240.75	64.0%
% Time – Tribunal Advocacy						14.2%		13.9%		13.4%	763.25	12.1%	1320.25	19.1%	1335.75	68.9%

From July 2017, we operated at 4.5 FTE. For May 2020-October 2021, an additional 1.0 FTE was provided as part of the COVID response by government.

## 2021 Census and SEIFA Index of Relative Socio-economic Advantage and Disadvantage 2016

The SEIFA Index of Relative Socio-economic Advantage and Disadvantage from the 2021 Census is expected to be released in October 2022, but is not yet available at the time of writing.

From the most recent SEIFA index from the 2016 Census, the NEWTAAS region contains 13 of the 20 most disadvantaged local government areas in NSW.

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/>

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

	ATSI	Median household income (\$/wk)	Under 15	55 and over	65+	Currently at school	In full-time tertiary	In part-time tertiary
New South Wales	278,043	\$1,829	1,470,006	2,388,925	1,424,141	1,163,570	353,340	301,959
% of total	3.4%		18.2%	29.6%	17.6%	14.4%	4.4%	3.7%
New England and North West	22,058	\$1,328	35,505	63,978	39,387	26,942	3,746	5,524
Far West and Orana	19,593	\$1,377	22,897	38,211	22,991	13,442	1,563	1,563
NEWTAAS	41,651	\$1,353	58,402	102,189	62,378	40,384	5,309	7,087
% of total	15.0%		19.4%	33.9%	20.7%	13.4%	1.8%	2.4%

The available 2021 Census data does reveal some particular features of our region and confirm specific demographic trends. At a glance, we live across 55% of the state, have 4% of the population, we are older, younger, sicker and most definitely poorer. We are less educated, and less engaged in ongoing education.

We are less healthy. In NSW overall, 61% of the population has no long term health condition, and 8.6% have two or more long term health conditions. In the NEWTAAS region, those numbers drop to 52% and increase to 11.5%.

	NSW	Orana Far West	New England North West
Unemployment rate	4.1%	4.5%	6.2%
Youth unemployment rate	8.7%	17.9%	13.0%
Annual employment growth	1.0%	1.9%	-4.0%

All of this sounds like a very negative picture, but it isn't really. It just means that in our region, disadvantage is more concentrated. We have people who are older and frailer, sicker and less employed, less educated and poorer. That means they are less able to represent their own interests effectively, and that's where services like NEWTAAS make a difference. It's why we concentrate our service delivery on the people who need us most.

### ***What's with this "improvised dwelling" in the Census?***

More of us in the NEWTAAS region live in houses, not flats, although more of us live in caravans and a lot more of us are living in "improvised dwellings". Living in an "improvised dwelling" is a fancy way of saying that you're homeless with your kids and living in your car or you've built a shanty or tent structure in the bush.

In the Orana/Far West, the Census enumerators found 220 households, of which 127 are lone person households. In the New England North West, the Census enumerators found 11 families and 22 lone person households living like this, for a total of 37 households in improvised dwellings. That seemed very low, and warranted further investigation.

The census says that NEWTAAS has half of the households in improvised dwellings in NSW, most of which are in the Orana/Far West. That can't be true. It isn't true.

How can the discrepancy be explained? It turns out that Census took place over the Omicron COVID outbreak, when a lot of NSW was under lockdown and there were different degrees of restrictions in movement. Julia Murray, remote advocate, was enrolled to be an enumerator.

In many regions, the Homelessness Community Field Officers who were going to do the rough sleeper enumeration activities in the Greater Sydney, Newcastle and Hunter, were contacted to say that the ABS had "secured an alternative data source which will provide us with enough information to deliver quality Homelessness Estimates for rough sleepers in these regions."

That "high quality alternative data source" has led the Census 21 statistics to say that there are 8 households living in improvised dwellings on the Central Coast, and 3 in the Illawarra region. It's obviously not true, because there was no count. There's no explanation note in the Census to say to beware of relying on these figures, and there should be.

There has definitely been an increase in homelessness. Our own figures show the jump from 20% to 28% of people contacting us who are at risk of homelessness. We have people tell us that they've moved into a caravan in their brother's back yard with their kids, into a tent on

crown land, they're living with their mum and they've split the kids up amongst the relatives. All of this points to the crisis in our region.

### *Evidence of the rent crisis*

NEWTAAS area	Median weekly rent for new bonds lodged	Annual change in median weekly rent	Value of original rent	Rent rise	Yearly rent / median income	Median taxable income 2018–19	Average taxable income 2018–19	Number with rent assistance	CRA payees to taxpayers
Tamworth 2340	\$360.00	10.77%	\$321.23	\$38.77	41.04%	\$45,612.00	\$52,094.00	5,088	17.45%
Quirindi 2343	\$310.00	15.89%	\$260.74	\$49.26	41.40%	\$38,933.00	\$43,609.00	378	14.42%
Manilla 2346	\$300.00	20.00%	\$240.00	\$60.00	42.25%	\$36,922.00	\$40,670.00	293	20.12%
Armidale 2350	\$360.00	12.50%	\$315.00	\$45.00	43.42%	\$43,118.00	\$52,911.00	2,714	18.80%
Kootingal 2352	\$360.00	16.13%	\$301.93	\$58.07	43.80%	\$42,739.00	\$47,893.00	199	13.02%
Coonabarabran 2357	\$230.00	-4.17%	\$239.59	-\$9.59	33.42%	\$35,783.00	\$41,346.00	305	15.58%
Uralla 2358	\$388.00	29.17%	\$274.82	\$113.18	54.15%	\$37,257.00	\$43,784.00	255	11.82%
Inverell 2360	\$335.00	6.35%	\$313.73	\$21.27	42.76%	\$40,737.00	\$46,210.00	1,408	18.72%
Guyra 2365	\$300.00	14.29%	\$257.13	\$42.87	45.79%	\$34,072.00	\$39,854.00	248	12.28%
Glen Innes 2370	\$275.00	10.00%	\$247.50	\$27.50	41.43%	\$34,513.00	\$39,894.00	808	21.51%
Tenterfield 2372	\$300.00	20.00%	\$240.00	\$60.00	51.27%	\$30,426.00	\$36,890.00	366	14.76%
Gunnedah 2380	\$380.00	5.56%	\$358.87	\$21.13	41.53%	\$47,580.00	\$59,343.00	854	14.52%
Boggabri 2382	\$310.00	3.33%	\$299.68	\$10.32	40.23%	\$40,068.00	\$49,323.00	84	11.55%
Pilliga 2388	\$280.00	-3.45%	\$289.66	-\$9.66	35.73%	\$40,749.00	\$47,114.00	220	15.84%
Narrabri 2390	\$350.00	16.67%	\$291.66	\$58.35	39.44%	\$46,145.00	\$54,072.00	722	14.67%
Moree 2400	\$300.00	22.70%	\$231.90	\$68.10	32.31%	\$48,276.00	\$54,783.00	1,046	19.67%
Wellington 2820	\$320.00	20.75%	\$253.60	\$66.40	43.38%	\$38,361.00	\$44,052.00	642	20.45%
Narromine 2821	\$330.00	29.41%	\$232.95	\$97.05	41.60%	\$41,252.00	\$45,997.00	367	14.16%
Trangie 2823	\$260.00	15.56%	\$219.54	\$40.46	35.56%	\$38,020.00	\$41,561.00	92	12.12%
Warren 2824	\$270.00	8.00%	\$248.40	\$21.60	35.45%	\$39,606.00	\$46,340.00	166	13.90%
Nyngan 2825	\$250.00	8.70%	\$228.25	\$21.75	29.71%	\$43,757.00	\$51,960.00	131	9.61%
Gilgandra 2827	\$235.00	8.05%	\$216.08	\$18.92	33.96%	\$35,983.00	\$41,818.00	355	19.32%
Coonamble 2829	\$220.00	10.00%	\$198.00	\$22.00	30.09%	\$38,016.00	\$35,302.00	274	18.45%
Teridgerie 2829	\$220.00	10.00%	\$198.00	\$22.00	30.09%	\$38,016.00	\$35,302.00	274	18.45%
Dubbo 2830	\$390.00	11.43%	\$345.42	\$44.58	42.12%	\$48,145.00	\$55,081.00	3,034	12.24%
Walgett 2832	\$260.00	26.83%	\$190.24	\$69.76	35.77%	\$37,793.00	\$31,259.00	233	20.90%
Lightning Ridge 2834	\$240.00	17.07%	\$199.03	\$40.97	39.57%	\$31,543.00	\$40,038.00	281	30.85%
Cobar 2835	\$150.00	23.08%	\$184.62	-\$34.62	14.28%	\$54,626.00	\$65,554.00	138	6.43%
Broken Hill 2880	\$270.00	8.00%	\$248.40	\$21.60	29.67%	\$47,314.00	\$57,395.00	1,525	17.21%

# **Landlords hold upper hand, renters set for tough conditions over next 12 months**

**The rural network Housing**

## **'No place for them': the rental and social housing crisis in the bush**

Tamworth has never been a high-demand area for social housing, but many locals are being pushed to the edge.

**New England North West real estate agents say inquiries from Northern Rivers, Lismore residents have sky-rocketed**

**'Ridiculous prices': Regional rents in NSW up 30 per cent since start of pandemic**

**'Mental anguish': housing stress lingers in the minds of renters**

**Homelessness service applies to Tamworth Regional Council to convert South Tamworth Motel to short-term accommodation**

# 'He wants to give it to someone else': rent rises leaving a toll on regional NSW

**Exclusive: Regions bear the brunt of triple-digit rent increases as waves of tree-changers rush into communities**

## Rent prices continue to rise in NSW regional towns, pushing out locals

KATE BURKE 🐦 JOURNALIST | OCT 22, 2021



Rapidly rising rents across regional NSW are pricing tenants out of their communities, with the cost of renting a home jumping by more than 20 per cent in some regions as locals struggle to compete against tree-changers moving in on Sydney wages.

**Even with a historic fall in house prices, rents are tipped to rise by as much as 10 per cent. Will they ever go down?**

**Could 3D-printed houses ease Australia's housing crisis? Dubbo Regional Council is considering a trial**

Regional NSW towns where rents have skyrocketed 52 per cent

Headlines from July 2021 through June 2022 from the *Dubbo Liberal*, the *Tamworth Northern Daily Leader*, the *Armidale Express*, the *Daily Telegraph*, the *Sydney Morning Herald*, the *ABC* and the *Guardian*.

## ***What all of these 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.

But 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:

<b>Summary</b>	<b>Hours</b>
Functionally illiterate tenant whose house was sinking and became abusive to his landlord who tried to terminate him – repairs, rent reduction, compensation	265.25 / 1.5 yr
Landlord who attempted an illegal lockout and intimidated the tenant, prompting an NCAT application for landlord to stop breaching, and termination for rent	40 hours
Tenant with intellectual disability rent subsidy and repairs, assisted to resolve both without NCAT, and T learned how to do for herself going forward	23.25 hours
Landlord refusing to allow the tenant access to goods left behind for a few days after the end of a tenancy where the landlord had agreed, NCAT proceedings	47 hours
Non-literate grandmother caring for her daughter and little grandkids whose social housing landlord applied for termination for nuisance and unauthorised occupants. Neighbours were in dispute with the daughter and landlord believed it.	52.75 hours

### ***NEWTAAS compared to the TAAP Network 2021-2022***

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 provided	NEWTAAS cases	Network cases	Cases/FTE	
			NEWTAAS Avg	Network Avg
Advice	1338	16479	227.69	165.93
Advocacy	287	3830	48.84	38.56
Connect with other support service	597	2397	101.59	24.14
Document Preparation	324	2795	101.59	24.14
Follow-up (correspondence)	671	6256	114.19	62.99
Follow-up (face-to-face)	42	810	7.15	8.16
Follow-up (phone)	957	8359	162.86	84.17
Home Visit	5	270	0.85	2.72
Liaise with third party	451	5280	100.22	28.68
NCAT Appeal	11	219	2.44	2.56
NCAT General Application	306	2732	68	49.88
NCAT Preparation	477	5153	106	60.62
NCAT Representation	174	3332	38.66	17.15
NCAT Set Aside	35	286	7.78	3.68
Negotiation	265	4515	58.89	32.62
Pamphlets/Forms/Photocopied Info	1186	7426	263.56	160.91
Prepare FT Complaint	5	130	1.11	1.06
Represent/Assist Case Conference	68	1580	15.11	3.4
Represent/Assist Other Appeal	53	955	11.78	1.58
Represent at meeting with landlord	272	4652	60.45	19.85
Research	812	7304	180.45	66.1
Warm Referral	912	5582	202.67	37.66
Written Advice	395	3065	67.22	30.82
Tenancy matters				
Access, Privacy and Landlord Behaviour	250	2,020	42.54	20.34
Agreements	56	1,067	9.53	10.74
Boarding House and Lodgers	11	205	1.87	2.06
Bond and Compensation	441	4,654	75.05	46.86
Miscellaneous	634	6,601	107.89	66.47
NCAT and Jurisdiction	753	6,092	128.14	61.34
Parks	8	269	1.36	2.71
Rents and Other Charges	575	5,849	97.85	58.89
Repairs, Alterations and Fixtures	434	6,174	73.86	62.17
Share Accommodation	35	314	5.96	3.16
Social Housing	289	2,003	49.18	20.17
Termination	764	7,673	130.01	77.26

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 were modified in late 2021 because of the lag between each party providing their evidence and the hearing date. There is now a smaller gap with only the applicant providing their evidence, but that's a problem in itself, as you can see in the first case study from Julia.

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	Sep-21		May-21	
	Total Time	% Time	Total Time	% Time
Advice	259.75	46%	276	44.3%
Assisting in Self-Representation	15.25	2.7%	74.25	11.9%
Case Management	19.25	0.3%	0.00	0.0%
Duty Advocacy	0.00	0.0%	7.25	0.1%
Information	15.25	0.3%	12.75	0.2%
Non-Tribunal Advocacy	113.00	20.0%	123.25	19.8%
Referral	14.75	2.6%	21.25	3.4%
Tribunal Advocacy	127.00	22.5%	107.75	17.3%
<b>Total</b>	<b>564.25</b>		<b>622.50</b>	

### ***A detailed look at the work...***

We keep a record in our database of what issues the tenant is calling us about, as well as the broad topics and services we give them.

For some issues, tenants in our region are very similar to the rest of NSW. For many, they are not. There are particular issues that stand out to us, and that are explained by specific features of our region, our towns and villages, our demographics and our environment.

We deal with less land lease community matters in caravan parks. We get less mould enquiries, particularly this year after so much flooding on the coast. We do more Appeals and Set aside applications to NCAT; we think this happens because our people are less likely to attend NCAT hearings either by phone or audio video link (AVL), and they come to us after the disaster.

We see more domestic violence, more social housing appeals and priority housing applications, more TICA database disputes. We've seen more vermin disputes arising from the mouse plague.

We have seen about the same of rent increases and rent reductions, of social housing subsidy disputes.

The thing that stands out most is the no grounds termination notices. We deal with far more of those. We give a huge amount of advice about termination and NCAT, breaches of quiet enjoyment and failure to repair withdrawal of services. And yet we know that our clients are not going to NCAT; that they are frightened of losing their home because there are very few homes to be found right now, and it is harder for the most disadvantaged to find something that is suitable and affordable.

Services	NEWTAAS cases	Network cases	Cases/FTE	
			NEWTAAS Avg	Network Avg
Bond: dispute	160	1,809	27.23	18.22
Bond: non-lodgement	25	209	4.25	2.10
Compensation claim: landlord	156	827	26.55	8.33
Compensation claim: tenant	136	1,718	23.14	17.30
Dispute with neighbour	42	386	7.15	3.89
Domestic violence	59	362	10.04	3.65
Jurisdiction: other exclusion (usually <i>Gatsby</i> )	20	105	3.40	1.06
NCAT: Appeals Panel	23	169	3.91	1.70
NCAT: General advice	746	5,810	126.95	58.50
NCAT: Set aside	24	145	4.08	1.46
Pets dispute	16	172	2.72	1.73
Privacy: quiet enjoyment	138	697	23.48	7.02
Rent: arrears	252	1,752	42.88	17.64
Rent: increase	71	1,099	12.08	11.07
Rent: reductions	101	1,842	17.19	18.55
Repairs: mould	97	2,242	16.51	22.57
Repairs: non-urgent	290	3,459	49.35	34.83
Repairs: urgent	163	2,187	27.74	22.02

Repairs: vermin	40	304	6.81	3.06
Sale of property: access	30	177	5.11	1.78
Sale of property: general advice	39	287	6.64	2.89
Social Housing: appeal	32	135	5.45	1.36
Social Housing: application	35	281	5.96	2.83
Social Housing: offer of housing	18	106	3.06	1.07
Social Housing: priority housing	24	228	4.08	2.30
Social Housing: Relocation	22	96	3.74	0.97
Social Housing: review/appeal	19	80	3.23	0.81
Social Housing: subsidy dispute	7	116	1.19	1.17
Social Housing: Succession/Recognition as a Tenant	13	70	2.21	0.70
Social housing: tenant debts	62	169	10.55	1.70
Social Housing: transfer	59	560	10.04	5.64
Tenant Database: Dispute with database	6	25	1.02	0.25
Tenant Database: Dispute with landlord/agent	26	73	4.42	0.74
Termination by LL: breach by tenant	223	1,825	37.95	18.38
Termination by LL: illegal use	1	48	0.17	0.48
Termination by LL: no ground	187	1,957	31.82	19.71
Termination by LL: retaliatory	26	347	4.42	3.49
Termination by tenant: breach by LL	21	669	3.57	6.74
Termination by tenant: break early	65	1,156	11.06	11.64
Termination: AVO	8	93	1.36	0.94
Termination: break early with reason (s100)	3	66	0.51	0.66
Termination: general advice	441	3,324	75.05	33.47
Termination: lockout	18	105	3.06	1.06
Termination: long term tenancy	2	30	0.34	0.30
Termination: threat of eviction/lockout/warrant	21	264	3.57	2.66
Termination: warrant issued	17	123	2.89	1.24
Uncollected goods	24	198	4.08	1.99
Utilities: dispute	58	407	9.87	4.10
Withdrawal of services	163	1,897	27.74	19.10

I said that we knew that our people weren't racing to NCAT for repairs and rent reduction. It is only in the most egregious situations that tenants will apply to the adjudicator for relief. Despite so much of the funding for NCAT coming from the interest from tenants bonds, the power imbalance, the fear of eviction, is on bleak display with these numbers.

Private Eviction Applications	Social Housing Eviction Applications	Housing NSW Eviction Applications	Community Housing Eviction Applications	Aboriginal Housing Eviction Applications	Repair Applications
482	722	174	425	123	20
↑ 14.49%	↑ 24.91%	↑ 42.62%	↑ 48.60%	↓ 27.65%	↓ 25.93%

## ***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.

### ***Julia - Access to justice in Covid times***

One of the sometimes-frustrating features of NCAT's operations is the apparent dissonance between the theory of procedural fairness (and other stated goals of the tribunal) and the administrative processes and practices bestowed upon applicants and respondents.

There were 69,887 applications to NCAT in 2020-2021. Of those, 53,718 were made in the Consumer and Commercial Division, and most of them were tenancy. By far, most tenancy applications in NCAT made are by landlords. Of their applications, 28,902 were asking for termination and vacant possession.

In the NEWTAAS region up to June 2022, 2,408 applications were made to terminate tenancies. In stark contrast, 20 applications were made for repairs.

Therefore, any process or procedure providing benefit or advantage to an applicant can be imagined benefitting landlords more so than tenants.

Covid has thrown a curve ball at NCAT, as it has done to institutions the world over.

Overnight, a tribunal which had been historically resistant to the concept of granting phone hearings to parties was forced to conduct 100% of its hearings remotely. It ought to be acknowledged that this was no small feat, given the number of hearings in any given year.

NCAT's first incarnation of remote hearings instituted procedural directions prior to the first hearing which would previously only have been made following a first hearing's failed attempt to negotiate. The standard timeframes were 14 days for the applicant to present documents, and a corresponding 14 days for the respondent to provide theirs. After several months of this arrangement, it was determined that the 4 weeks of procedural directions were unnecessarily delaying the timeframe before the initial hearing.

From this point onwards it was only the applicant who was required to provide their documents prior to the first hearing. This process created a disadvantage for tenants who were respondents to matters and found themselves at hearings where only one side had been given an opportunity to present their case. It was less of an issue where a tenant attended the remote hearing and the member generally recognised that this imbalance needed to be rectified by further directions.

However, the 'single' document exchange direction often presented a significant disadvantage if a tenant had been unable to attend a virtual hearing for technical or other reasons beyond their control – including clerical errors by NCAT. In those instances, the member felt far more inclined to make a decision based on the one-sided information before them.

Undoing a mistake, even where made by NCAT is onerous. The appeal process is, by design, inaccessible and expensive. It is far more difficult to overturn a decision, either by set aside or appeal, than it is to argue the case in the first instance.

A particularly troubling example of this occurred where a social housing landlord had applied for termination for ‘failure to occupy’, against a tenant who was in prison. The tribunal had not contacted the tenant to advise of the hearing, but the termination order was made on the basis that the landlord’s evidence that the tenant had previously suggested a release date that had not materialised. Upon realising the mistake, NCAT contacted the prison to acknowledge the failure. The tenant was put in touch with NEWTAAS and a process initiated to have the decision set aside. The tenant was at a significant disadvantage in this situation, as he did not have sufficient capacity to quickly provide evidence of his release date, and his initial set aside application was also declined for this reason. Had ‘normal’ procedural directions been made at the outset, the tenant would have had 14 days to organise evidence of his release date.

There were further glaring anomalies experienced by tenants because of the tribunal’s ‘one size fits all’ approach to document exchange. Tenants whose landlord had first made a rental bond claim, requiring the tenant to make an NCAT application, were similarly instructed to provide their documents first, as the applicants. This procedural direction failed to consider that it is the landlord’s burden to prove a bond claim regardless of who made the NCAT application. When the TAAP network raised this issue with the administrators of NCAT, we were advised that they were unwilling to tailor different notices for different types of matters. This decision caused consistent and unnecessary confusion for tenants who found themselves in this situation.

It is also historically observable that the types of matters for which landlords make applications to NCAT are often heard and determined on the first occasion, whereas tenants’ applications are more often adjourned. The most stark example of this is a like-for-like situation of a landlord’s bond claim versus a tenant’s claim for compensation. A bond matter where only the applicant landlord attends the first hearing would be heard and determined by NCAT, whereas a compensation matter from a tenant would always be adjourned. This has even been seen to occur in the case of social housing tenant’s application when a respondent landlord has failed to appear!

As the transition back to ‘In Real Life’ hearings begins, we hope that the legacy of this period is a greater willingness to accommodate remote hearings going forward, and a useful analysis of the ways administrative procedures can impact upon access to justice for tenants.

***Michele – Repairs, and unauthorised granny flats                      187.75 hours, appeal 122 hours***

The tenants contacted us after months of trying to get repairs done at her home, a house with a converted garage granny flat at the rear.

There were long, ongoing plumbing issues caused by bad installation and trees that resulted in raw sewerage regularly coming up through the drains. It was nothing short of disgusting and after some months the landlords decided it was all too difficult and the tenant complained too much.

The tenant contacted us, and we helped her to structure her complaint as a request for repairs, a significant rent reduction, compensation for economic loss due to damage to their belongings and compensation for breach of quiet enjoyment.

NCAT granted a rent reduction of \$3,772.00 and \$1,000.00 compensation for economic loss.

The Member also made a fundamental error of law in saying that he was not able to award compensation for a breach of quiet enjoyment due to the application of the *Civil Liability Act 2002*.

We had made significant submissions on the High Court decision of *Moore v Scenic Tours Pty Ltd (2020) HCA 17*, where 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 mind. 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.

We advised the tenants that the Tribunal was wrong in making the decision about compensation, and they should appeal the decision. The tenants agreed and applied to appeal on that specific component of the matter.

The landlords were also strongly objecting to the decision. At the appeal they argued that they shouldn't have to pay the amount awarded and were told that they were free to bring their own application and had not. Therefore, they had to pay.

The Appeal Panel agreed that there had been an error of law, and remitted the issue of compensation payable for breach of quiet enjoyment back for hearing before a differently constituted Tribunal.

Procedural directions were made for submissions, and the decision was made on the papers. The landlord was required to pay \$1,500.00 for the breach of the tenants' quiet enjoyment. That brought the total award to \$6,272.00 and a lesson for the landlord to take their obligations seriously.

### ***KerryAnn – Complaint against NCAT***

The previous case study led me to make a formal complaint to NCAT.

There had been a number of decisions by this Tribunal Member that consistently made the same legal error: that NCAT was practically unable to make awards of compensation for the breach of quiet enjoyment, because the frustration, disappointment and anxiety experienced by the tenant constituted an injury caught by the *Civil Liability Act 2002*.

We were making submission after submission about the High Court's *Moore* decision, we were citing decisions of the Appeal Panel and NCAT generally, but this Member was convinced he was right.

We ultimately had to run a number of appeals against his decisions. An appeal is incredibly expensive – it costs \$438.00 for an individual, and \$110.00 if you have a concession card. Even worse, they are an enormous amount of work and time.

This Member also had a particular way of running his phone hearings. He was inconsistent about whether the tenant could appear at a hearing with a tenant advocate, said that he couldn't conference call to include the tenant from his phone, was rude to tenants appearing without representation, and overall was not coping with the technology.

I collected up all of the cases we had had with this Member over the year and put together a comprehensive list with details of the issues in each hearing or decision, including the appeals we were making. Then I lodged the formal complaint.

After some time, I had a reply from the Deputy President and Head of the NCAT Consumer and Commercial Division.

Member Harrowell apologised to our clients where they were not able to fully participate in the proceedings before the Tribunal. He then advised that the Member had been counselled and “has not sought renewal” of his appointment.

Having appeared before Member Harrowell on several occasions, I imagine the counselling was a fairly harrowing experience! We are all relieved that we are no longer running appeals against bad NCAT decisions from this Member.

### ***Julia and Linda – Egregious exploitation!***

The landlords through their real estate agent entered into an agreement with a head tenant, who ran a labour hire business for temporary migrants employed in a factory setting.

After one group of sub-tenants moved out, the landlord applied to NCAT seeking orders for compensation for damages. The application was dismissed because it had been lodged outside the time period set down for landlords to make such applications, quite apart from being without merit.

Four months later, the same landlords, same real estate, same head tenant. Different sub-tenants, different property.

An application was lodged to NCAT asking for compensation at the end of the tenancy. Again.

And once again, the application was lodged out of time, and dismissed. The application was still without substantive merit.

The real estate said at the hearing:

*No Member, I'm aware of the fact that it was three months out. And until you just said that, I wasn't aware that you were actually able to do that part you were talking about [to dismiss the application].*

The landlord decided to appeal the decision. The landlords did not comply with any of the directions made by the Appeal Panel. We spent many hours complying on behalf of the sub-tenants.

The Appeal Panel were as unimpressed as the Tribunal had been. The application to appeal was refused.

### ***Chelsea – threats and intimidation***

We were contacted by a young tenant for advice after she had received multiple threats from her landlord that she had to vacate the property or they would change the locks and dispose of her belongings. They had even pinned a handwritten note to her front door demanding she leave. The tenant was a young migrant whose second language was English, and she had very little understanding of her rights as a tenant. She was desperate to save her tenancy because of the risk of homelessness and the impact this might have on her right to stay in Australia.

It was clear that the landlords were attempting to illegally evict her. She had a signed tenancy agreement that was not due to expire for another 8 months.

We sent several comprehensive emails to the landlords outlining the relevant laws surrounding termination of tenancies, and explaining why the attempted eviction was not only illegal but also a breach of the tenant's right to peace, comfort and privacy. The landlords' response was that she was not a tenant but rather a boarder, so tenancy law did not apply in this situation. A boarder has significantly fewer rights than a tenant, so her classification could make the difference between saving her tenancy or being made homeless in possible violation of her visa.

The landlords asserted that the 12 month tenancy agreement that they signed was never intended to be legally binding and that it was signed only for the purposes of the tenant's visa, which required that the visa holder has a set place of residence while in Australia. We were of the opinion that the signed tenancy agreement was legally binding, which would make her a tenant rather than a boarder.

The landlords continued to threaten the tenant to leave the premises despite our explanations of the law. We decided to make an application to the Tribunal seeking an order declaring that she was in fact a tenant, an order that the landlords stop breaching her peace, comfort and privacy, and an order for compensation for the ongoing threats of illegal eviction.

However, the tenant did not have an address for the landlords. All she knew was that they lived in Queensland, and despite multiple requests they refused to provide an address. The Tribunal requires addresses for both parties before they hear a matter. To get around this, we applied to the Tribunal for 'substituted service', which is essentially permission to serve documents via email and sms instead of via post. After compiling and providing a significant amount of evidence to the Tribunal, they granted substituted service.

Following the Tribunal application by the tenant, the landlords engaged the services of a solicitor to assist them in the matter, who entered into negotiations with us on behalf of the landlords.

After weeks of negotiations and on the day before the scheduled Tribunal hearing, both parties reached a settlement. The landlords agreed to stop threatening illegal eviction, agreed in writing that the tenant was in fact a tenant, and agreed to pay compensation to the tenant for the previous threats of eviction. In return, the tenant agreed to withdraw the Tribunal application.

Thankfully, the landlords left the tenant in peace and she continued on with her tenancy. She continues to live and work in this beautiful country without the fear of breaching her visa.

***Julia – useful No Grounds case going forward – but only to show how terrible the law is***

No grounds notices of termination allow a landlord to issue a notice of termination without providing a reason. They effectively undermine every other right a tenant theoretically has. These notices are the scourge of the private market but are conventionally ‘off limits’ for social housing providers. However, there is nothing, legally speaking, to prevent a social housing provider from issuing one.

‘Jason’ was a single parent with three kids, all of whom had disabilities. The family was housed by a social housing provider, who head leased the property he was living in from a private landlord. The private landlord issued the social housing provider a ‘no grounds’ notice of termination, as the law allows. The social housing provider in turn issued Jason a no grounds notice.

Ordinarily in these circumstances a social housing provider would set about finding a new property for their tenant. It soon became clear that in this instance the social housing provider had decided not to rehouse Jason and his family.

Our numerous representations to the housing provider fell on deaf ears. We formally internally appealed the decision not to rehouse the family. Meanwhile the termination matter was set down to be heard by NCAT.

At the NCAT hearing we argued for the matter to be adjourned until the internal appeals process with the social housing provider was complete, or to at least suspend the termination date for two months to allow that process to be completed. The tribunal declined both requests and gave the tenant 14 days to leave.

We appealed against the NCAT decision on the basis that, although having no discretion not to terminate the tenancy, the tribunal had failed to weigh the hardship of the parties when deciding on the length of time to give the tenant until the possession order was made.

Soon after we lodged our appeal, the housing provider requested a meeting to discuss the situation in more depth. At that meeting it was agreed that the tenant and his family would be offered a new property.

Ultimately in this case common sense prevailed and the family remained housed. However, the case demonstrates the utter vulnerability of private and social housing tenants alike, living under a legal regime which allows for no grounds and end of fixed term notices of termination at the whim of a landlord.

***Linda – Years of waiting for repairs***

***111.5 hours***

The tenant has been living in his home for 11 years. He has long-term mental health issues and other disabilities, and receives services from his local mental health service and a registered NDIS provider.

We were contacted after the tenant’s previous caseworker left the organisation. That caseworker had been trying to have the repairs done but unfortunately had not followed good procedures for asking a landlord to do repairs by saving the documents, and their emails were lost when they left.

Without records, and with the landlord being unwilling to make any admissions, it was necessary to start again.

A list of repairs and photographs arrived, showing that extensive repairs and modifications were needed, including:

- Bathroom panels that had cracked and had disturbed asbestos
- Shower over the bath that was difficult to use and rusty
- Toilet cistern coming away from the wall
- Paint peeling throughout the house, and had been since the start of the tenancy
- Carpet was worn and had holes, creating trip hazards
- No heating or cooling in the house
- Wiring issues

After seven months of ongoing advocacy, including many frustrating conversations with the landlord's representative, the tenant will have all of the repairs completed and modifications made to the home. An easy access separate shower has been installed, the house is being painted and new vinyl flooring laid throughout. The landlord has also fixed the wiring and installed a split system reverse cycle system.

The tenant was unable to stay in his home while the repairs were being done, and has had to go to respite care for that time, funded by his NDIS package. The landlord has abated the rent for the period in which the tenant has been unable to live at the property.

#### ***Emma – So. Much. Mould.***

***7.5 hours***

There was another case which was hard as it highlighted the tough reality of renting right now. A young female tenant was trying to regain custody of her two children. The house she was in had mould problems which were impacting on her health and she was worried the mould was so bad that she would not be able to have her children return.

We helped the tenant to obtain a rent reduction and the landlord offered to let her break the tenancy agreement without cost, however, given the rent increases within her town, she could not afford any other properties. The tenant was on the waiting list for social housing. We helped the tenant consider her options in applying to NCAT, however, at that point the landlord challenged the extent of the mould problem. The tenant was unable to afford a report to support her case and seek orders for repairs and compensation at NCAT.

The tenant became concerned that her landlord would evict her at the end of the tenancy, and she would have nowhere to go and absolutely no hope getting her children back. She chose not to continue.

This case highlighted the every day practical struggles faced by tenants and the extent of the power imbalance that can exist between landlords and tenants, made worse by no grounds termination notices.

#### ***KerryAnn – A little bit Moore***

We were contacted by a tenant in a premium tenancy shortly after the High Court's *Moore* decision had been handed down. The tenant had moved into his home with his wife and children expecting that the heated swimming pool was heated, that windows opened and closed and were secure, and that the dishwasher worked. He expected that he would be able to pay an electricity account and have electricity provided to the premises.

Instead, the tenant found himself in a morass of complaints and ongoing issues. There was a problem with the electricity account, so it couldn't be put into their names, and after months of trying to get the landlord to talk to the provider and sort it out, the power was cut off.

As the season turned, the tenant turned on the water heater for the swimming pool which circulated water through a solar heating system on the roof. A short time later there was an enormous crash from inside the house, where the ceiling had fallen in and water flowing everywhere.

There were falling tree branches, broken tiles on the swimming pool, ceiling fans that didn't work, bathroom heaters that wouldn't work consistently.

The tenants had had enough. They got advice, and lodged an application to NCAT for compensation for the frustration, anxiety, inconvenience and distress they had been through over the previous nine months. They sought a rent reduction. They wanted repairs done. They asked for \$15,000.00, the jurisdictional limit.

The tenants were competent, and represented themselves at the multiple hearings. The landlords refused to give an inch, let alone acknowledge what they were doing was a breach of the residential tenancy agreement.

After a final hearing, for which we had lodged submissions, NCAT awarded the tenants \$15,000.00 as a global figure for all of the shenanigans of the landlord.

The landlord was outraged, and immediately took the advice of her son-in-law and appealed. He represented her for the appeal, and KerryAnn agreed to represent the tenants.

As an interim measure, after arguments that the landlord should pay the \$15,000 to the tenants, the Appeal Panel made an interim order that the money should be paid in to the Tribunal. In the event of the landlord winning the appeal, it could be refunded to her.

After an additional hearing and further submissions in which KerryAnn addressed all of the many, many complaints of the landlord, the Appeal Panel dismissed the appeal and released the funds to the very happy tenant.

### ***Michele – Expectations of service***

***55.5 hours over 8 months***

We were contacted by a group of tenants whose community housing landlord had stopped providing a lawn-mowing service after the property management of the block of units had been handed over. Some units had tiny individual lawn areas, and their previous landlord had had the contractor mow those units, as well as the common areas.

The new landlord said that they would not be restoring the service as it wasn't in the residential tenancy agreement. However, the service had been provided for more than twenty years, and had therefore been "executed by performance," where the performance the action sets up the expectation of the action and where that expectation is met over time, it becomes an unwritten term of the agreement.

We told the landlord that we were going to assist the tenants, and we set the group to work to find their old records and agreements and do statements and documents for us.

One of the tenants, an elderly woman with a disability, followed through brilliantly, and the application was brought. After two hearings, directions were made for further submissions to

be lodged, with the decision to be made “on the papers,” where the Tribunal Member considers all of the evidence and arguments put before them, and makes a decision.

Our client was rewarded in Tribunal with a rent reduction for the previous twelve months, along with a reduction in rent until the lawn mowing service was reinstated.

There was a long wait while the landlord considered whether they would appeal but given the caselaw they decided that discretion was the better part of valour, particularly as we were talking about a compensation claim in the event that the service wasn’t restored.

### ***Tamara - Small town talk...***

After having rented through a local real estate previously which had since closed, this young Aboriginal lady \*Samantha and her family applied for a rental through a different local real estate only to be told that her application would not be assessed on the basis that she owed money to the previous agents.

Having never been listed on TICA nor notified of any debt in relation to the previous tenancy, it eventually came to light that the Property Manager from the former real estate was now working for this real estate and she was the one providing a bad reference for Samantha.

When approached about the agents refusal to process Samantha's application, the licensee in charge was very forthcoming to confirm that in their small town the agents do not use TICA, but have an informal word of mouth system.

The agents refused to provide any details in relation to the alleged claimed debt has prevented Samantha from any means of clearing her name and moving forward.

### ***Mark - Unofficial blacklist should be subject to Act***

Real estate agents in two locations have shown that, at least with some agents, unofficial blacklists against tenants exist and are used.

In one example, the tenants, technically homeless, fronted a recent agent about why they were knocked back for homes. They were told that the agents provided information about the tenants to prospective landlords’ agents. The information was not accurate and definitely should not have been passed on to others. Mainstream blacklisting firms like TICA would not have been able to publish any of the information.

In another case, a tenant was alleged to owe a small amount of money, but the agents refused to provide evidence and said they would not accept payment. They said they would badmouth the tenant to other agents who enquired.

NEWTAAS research suggests that ANY landlord, agent or other person who uses a system to store information about tenants, and passes that information on to others, is subject to those parts of the *Residential Tenancies Act* that relate to *residential tenancy databases*. These include restrictions on the information that can be held or shared, information that should be removed, and the penalties that could apply.

Where similar circumstances arise, we will actively try to make sure that the protections and penalties of the Act are applied.

### ***Julia – defending NOT for threat and harassment***

Two tenants, both living with disability, were faced with ongoing repairs issues at their property, which had been persistently ignored by the landlord. The agent was very difficult to deal with and did not appear to acknowledge that the landlord had obligations to meet regarding repairs. During the time that the tenants sought advice from NEWTAAS about pursuing the repairs, the agent issued them with a notice of termination for intimidation and harassment arising from an inspection where the agent persistently talked over the top of the tenants and one of the tenants became frustrated and asked the agent to leave.

Even though the tenants were very keen to find a better place to live, they needed sufficient time in a very daunting rental market. There were many anxious weeks as we supported the tenants to piece together evidence of the events leading up to, and including, the inspection. We also assisted the tenants to provide information about their circumstances, including their disabilities.

The final hearing day arrived, and the parties were given a further opportunity to negotiate. We were able to reach agreement that the matter would be resolved by a specific performance order re-stating the tenants' existing obligations; the repairs would be completed and that the tenants would be permitted to leave the fixed term agreement early if they found a new place to live.

Within a few weeks of the hearing the tenants' previous real estate agent was able to find a new property for the pair, with a landlord who was specifically looking for long term and reliable tenants for their property.

### ***Tamara – Misinformed Landlord....***

This couple and their 6 children had been renting their house for 11 years. For the first 9 years it was managed by a local agent, then directly by the landlord.

The landlord had a history of failing to address repair issues and advised the tenants to simply put their rent money towards addressing the repair issues themselves, which they did. The landlord then employed a local "thug" to keep an eye on the property as he himself did not live locally. This is when the issues started.

The local representative was verbally abusive towards the tenants and reported to the landlord that the property was not being cared for, resulting in a Termination Notice being issued and the Tribunal process commencing.

Upon submission of the tenants' evidence it became very clear that the information being provided to the landlord by his local representative was incorrect. The landlord withdrew his application and the tenancy continued. The thuggish property manager found himself without a job.

### ***Emma – Fighting for a future for her family***

***17.25 hours***

It was a real highlight to be able to help a tenant save her tenancy. The tenant was a single mother of three children and was in significant rental arrears. The tenant acknowledged she had lost her way during a tough period in her life but desperately wanted to keep her tenancy. We were able to negotiate with the real estate to encourage the landlord to give her a chance. We referred her to a financial counsellor, a budget was finalised and a loan secured through DCJ which helped secure consent orders and the tenant's home for her children. The tenancy is still on track.

### ***Mark - Appeal threat gets concession***

The tenants on a rural property had Tribunal (consent) orders to move. They couldn't get their stuff out because the landlord refused to grade the driveway, and heavy rains had left it pitted with huge potholes. The tenants tried to get through with a truck, a 4WD, and car and trailer, but could not access their home. The landlord refused to even allow the tenants to engage their own contractors to fix the driveway.

Because the Tribunal had ended the tenancy agreement, the landlord had no legal obligation to restore access. The tenant's protests about access had been brushed aside at the Tribunal hearing.

It was doubtful the Tribunal had jurisdiction to issue the original termination orders, because the NSW state border ran right through the property. The tenants lived in NSW, but the landlord's house, which was on another part of the property, was in another state. And NCAT does not have jurisdiction to determine disputes between people who live in different states. NEWTAAS advised the tenants that their only legal option was to appeal the original Tribunal termination decision. Attempts at negotiation had failed.

NEWTAAAS got to work, pouring over land records, Google maps and Maps Six. We helped the tenants prepare paperwork for an appeal. We advised the tenants to collect evidence, which included taking photographs of the property, access and so on.

A reasonable outcome was negotiated only days before the deadline for lodging an appeal. The landlord noticed the tenants taking photos, and asked what the pictures were for. He promptly agreed to provide alternate access for the tenants, who were then able to move out.

### ***Tamara – Having a conscience...***

On occasions we are contacted by staff of housing providers or managing agents seeking advice or clarification on tenancy law.

Often these calls are initiated from an incident or incidents where they are concerned the tenant's rights are not being protected by either the landlord or management within the organisation.

In these situations a referral is made to the Office of Fair Trading and we encourage the referral of these tenants to our service. We have a number of agents who refer tenants to us, and a number of agents who are tenants who seek our advice!

### ***Mark - Conciliation prep gets results***

The "additional terms" in the tenancy agreement overrode fundamental tenants' rights. Tenants were not allowed to heat their premises, were liable for extra unlawful charges, were assigned "chores" in the common area, and were expected to put up with the landlord and other tenants interfering with their privacy.

The landlord is known to NEWTAAS.

It was too much for one tenant, who broke their fixed term agreement. The tenant felt they should not have to pay the full break fee. The matter ended up at NCAT.

NEWTAAS provided the tenant with a brief legal outline of their rights. The tenant had a case to argue that no break fee should be paid. NEWTAAS coached the tenant on how to push for a negotiated outcome at the NCAT conciliation hearing.

We advised that there is no point arguing a case in detail at a first hearing in a bond matter. We advised the tenant to summarise the key points and make clear to the Tribunal that they were prepared to enter an agreement to end the matter.

Because the amount of money in dispute was not great, and the tenant had already indicated they were prepared to compromise, the Tribunal urged the landlord to settle. Which they did, eventually. The tenant was very pleased that they achieved what they initially wanted, without having to go through the stress and work needed to succeed at a formal hearing.



A few photos from the Network meeting in Katoomba.



## 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.

**Re: Closing email - your tenancy matter**  
1 message

To: New England and Western Tenants Advice and Advocacy Service <newtaas@gmail.com>  
22 October 2021 at 17:00

Dear Emma

Thank you so very much for all your assistance and for trying for compensation.  
In the end I'm just grateful I was finally paid the amount I was owed.  
You all awesome and I'm glad you are there to help tenants with all the different sorts of problems you must be dealing with.

Best regards

**Case plan of**

**Re: supports**  
1 message

28 October 2021  
at 14:58

To: I  
Cc: J.  
England and Western Tenants Advice and Advocacy Service <newtaas@gmail.com>, C  
New

To everyone,  
who has been working with me and my girls we are so very grateful for your hard work to get us to where we are now, we are forever grateful we wouldn't be here if it wasn't for everyone's hard work so a very big thank you take care.  
Thank you

\*\*\*\*\*TRIGGER  
01/03/2022 13 15

's you advised previously and asked T to call you back Tuesday after sending corro to REA

\*\*\*\*\*ACTION  
01/03/0222 13.43 CK called T

Termination Notice has been withdrawn by the LL and she can continue her tenancy  
so grateful for our service  
Says everyone she has spoken to here is kind and compassionate  
She will recommend us to everyone in future

**(no subject)**  
1 message

To: New England and Western Tenants Advice and Advocacy Service <newtaas@gmail.com>  
18 November 2021 at 15:44

Hi i just wanted to say thank you so much to Linda for all her help and support I've never been in this position before I wasn't sure what to do. I was completely convinced by aoh staff I was losing my home I've also been grieving losing my brother, so to have Linda talk me through it step by step and just talking to me reassuring me it was going to be fine was greatly appreciated I honestly can't thank you enough for your help i will be recommending newtaas to anyone who need help thank you kindly for all your help again

**Fwd: NSW Civil & Administrative Tribunal - RT 211**  
1 message

To: New England and Western Tenants Advice and Advocacy Service <newtaas@gmail.com>  
26 November 2021 at 02:35

Hi Chelsea,

I have successfully submitted the application to NCAT, the application attached below. I was very worried about my current frustrating situation but your professional advice and assistance has helped me a lot and you gave me the confidence to get through this! I cannot express my appreciation, thank you for everything!

Best regards

---

**Re: NCAT Appeal Panel 2021/0022**  
**- Order**

1 message

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15 January 2022 at 08:19

KerryAnn,

The money has been paid on Thursday January 13.

Thank you so much for all the efforts and support.

The outcome is beyond our expectations.

It was also a pleasure working with you, thank you for your patience and thank your legal team for all the hard work they have done, I am glad that we as a team have been able to contribute. Hopefully this outcome will help the tenants who have little means and are treated by their landlord inappropriately; more justice is what this world needs

The day when you are in                      please let me know, I would love you to meet my family and in particular my wife                      who was really nervous about this whole thing, and being married to me makes it not easier for her because she knows that when I team up with a person like you I go the last mile. So you were a hot topic in our family the last 12 months LOL -

Thanks again and when things settle down we should definitely meet

**Thank you!**

1 message

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29 July 2021 at 08:59

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 Golden Warren*

In November 2021 at the online regional Network Meeting, we were again delighted to be recognised for our contribution to the Tenants' Union policy and law reform work, when NEWTAAS was awarded the Golden Warren for an unprecedented fifth time. Mark won the TAAPstar for his work with a tenant who had a brand new baby and moved into her new home to find it completely infested with cockroaches.

The 'dead rabbit' is named in honour of the seminal case of *Blades v Higgs* [1861] ER 693; (1861) 10 CB 713. In that case, the plaintiff had taken possession of a brace of dead rabbits poached from the estates of the Marquis of Exeter. On his behalf, the Marquis's employees, the defendants, exercised the ancient common law remedy of recaption - that is, they 'beat and pushed' the plaintiff and forcibly took the dead rabbits back. The plaintiff sued in assault, but the Court held that the defendants were entitled to use reasonable force in recapturing the dead rabbits, so the suit failed.

The case, however, remains relevant to tenancy law in New South Wales in other ways. The Marquis's granddaughter, Lady Catherine, married Henry de Vere Vane, the ninth Baron Barnard and great-great-great-great-grandson of Sir Henry Vane the Younger, whose third-cousin thrice-removed, Sir Henry Vane-Tempest, the second Baronet Vane-Tempest of Wynyard, was the ancestor of the Vane-Tempests of Condoblin, New South Wales, who were the respondent landlords in *Rosberg v Vane-Tempest*, an important case on the law relating to uncollected goods. In that case, the landlords unlawfully disposed of uncollected goods belonging to the applicant tenant, who did not seek to forcibly recapture the goods, but instead applied to the Tribunal for compensation. Despite the advocacy of legendary Koori advocate Cecil See, the Tribunal held that it lacked the power to make orders for compensation. This legislative defect was cured with the commencement of the [\*Residential Tenancies Act 2010\*](#).

It is appropriate, therefore, that TAAS contributions to tenancy law reform should be recognised with an award that honours the dead rabbit.



## *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. An additional 0.5FTE has been provided to NEWTAAS as part of the permanent funding boost to the program.

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 twenty years, and during that time has helped more than 20,466 tenants with more than 26,000 matters.



# facing homelessness

## Dubbo State Electoral District

Spiralling rents threaten many tenants with homelessness should they lose their homes. More tenants are being evicted for no reason (no grounds terminations). NEWTAAS tenant advocates assess a client's risk of homelessness based on income and their experience in sourcing a new home. In 2021-22 the number of clients at risk of homelessness increased by 40% in Dubbo electorate.

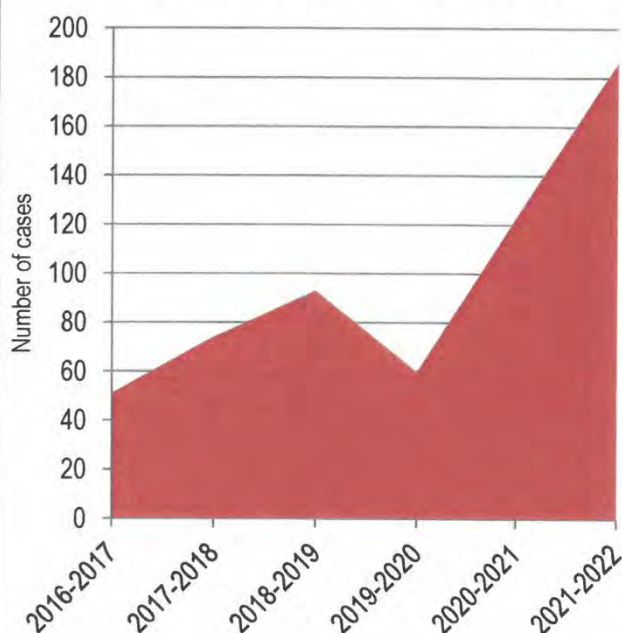
The threat of homelessness means tenants often keep quiet about serious maintenance issues. Many ask NEWTAAS for advice, but fewer seek follow up help from us.

Rental stress, shown in the table opposite, is drawn from the 2021 Census. It shows the proportion of renter households paying more than 30% of their income in rent.

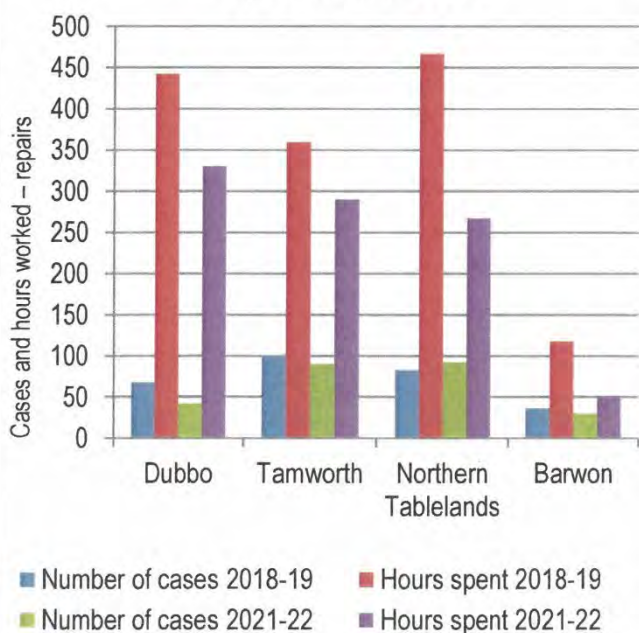
Rents for all properties in Dubbo (postcode 2830) increased by 14.25% in the 12 months to March 2022. Median rent rose from \$340 in March 2020 to \$400 per week in 2022. There were increases in nearby Wellington of over 20% in the two years to March 2021. In 2021-2022, Dubbo rents continued to rise, while Wellington's stabilised at a higher rate, as that town ran out of people who can afford to pay more.

State Electoral District	Suburb/ town	Post-code	% Rental Stress	Rented properties	Total People
DUBBO	WELLINGTON	2820	30.8%	676	7,378
DUBBO	NARROMINE	2821	32.6%	393	4,778
DUBBO	TRANGIE	2823	18.5%	135	1,340
DUBBO	DUBBO	2830	25.9%	5,268	44,963
DUBBO	EUMUNGERIE	2831	20.3%	69	1,845

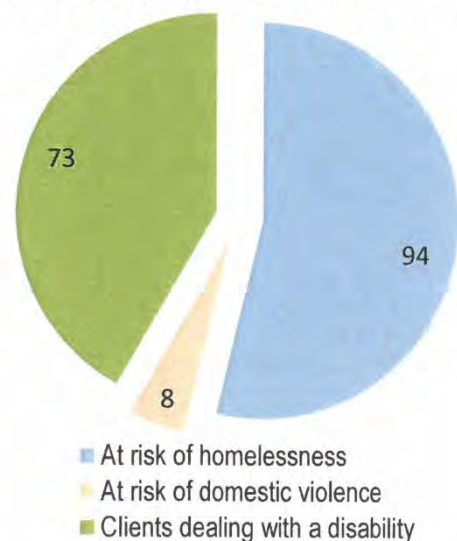
**Termination by landlord with no reason given – all NEWTAAS cases**

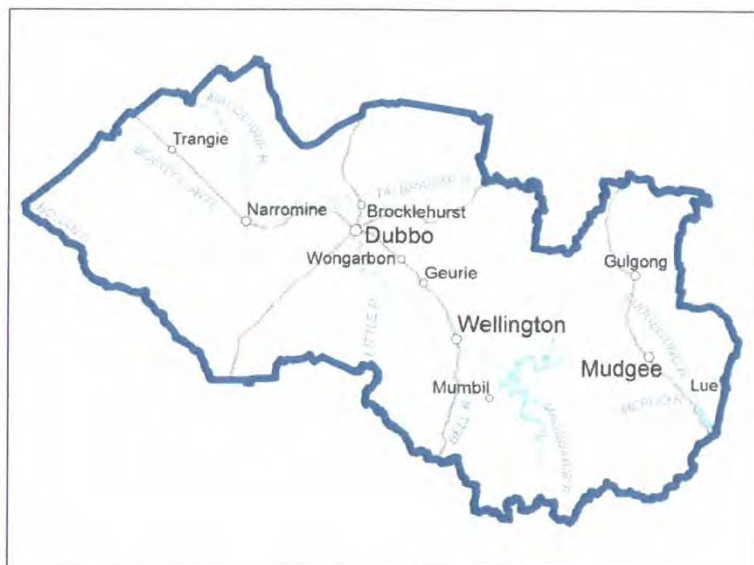
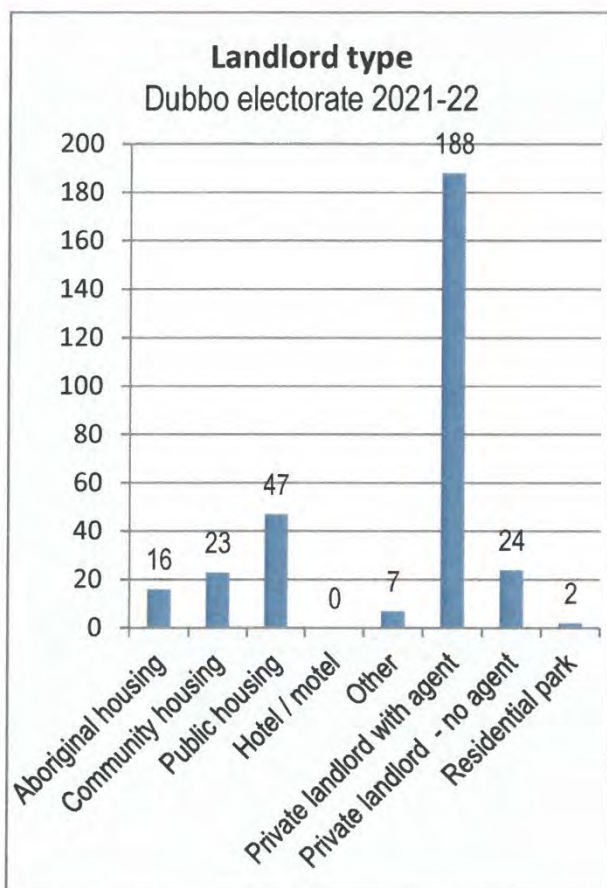


**Less follow-up on repairs for tenants of private landlords**



**Dubbo electorate client risk 2021 - 22**





### Access to technology – 2021-2022 clients - Dubbo electorate

Number of clients listing a mobile number as their primary contact phone	303	91%
Number of new clients with email address supplied	89	35%
Number of clients with primary access to internet through mobile phone (estimate)	30% of those with an email address	

### Weekly rents Dubbo electorate clients 2021-2022

Under \$100	7	3%
\$100 - \$149	12	5%
\$150 - \$199	24	11%
\$200 - \$249	33	15%
\$250 - \$299	32	14%
\$300 - \$349	37	17%
\$350 and over	79	35%
<b>Median Rent Dubbo SED clients</b>	<b>\$350</b>	
<b>Average Rent</b>	<b>\$297</b>	

<b>Main Income Source – Dubbo electorate clients 2021-2022</b>	<b>Employed</b>	111	40%
	<b>Government transfer payments</b>	163	59%
	<b>Other</b>	2	1%

<b>Household type – Dubbo electorate clients 2021-22</b>	<b>Household type</b>	<b>Number in 2021-2022</b>	<b>% of cases involving</b>
	Total Cases	333	100%
	Couple	31	9%
	Family	31	9%
	Group	13	4%
	Extended family	22	7%
	Single	114	34%
	Sole Parent	68	20%

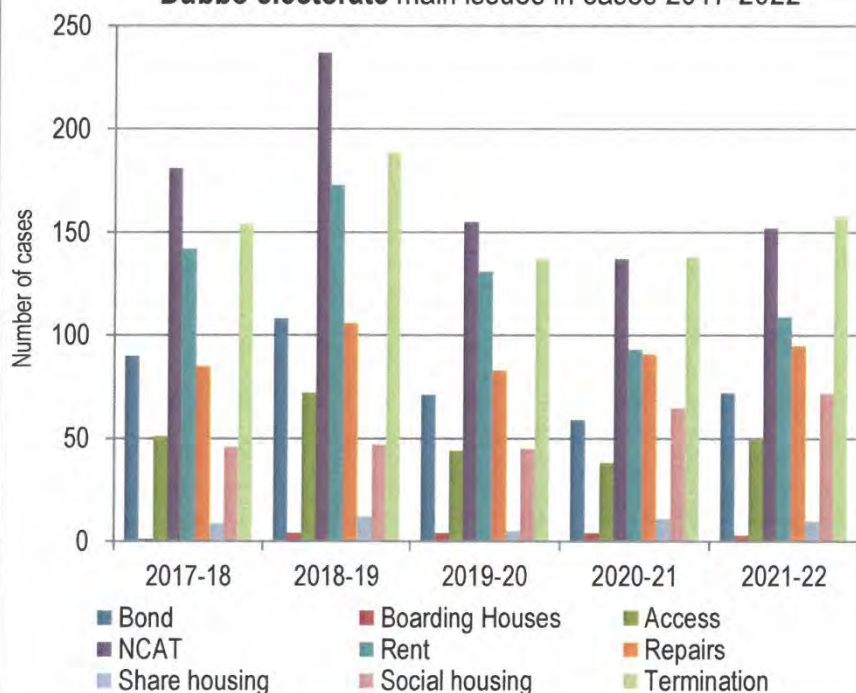
<b>Tenure type – Dubbo electorate clients 2021-22</b>	<b>Tenant</b>	222	67%
	<b>Cotenant</b>	70	21%
	<b>Subtenant</b>	4	1%
	<b>Other occupant</b>	7	2%
	<b>Park home owner</b>	0	0%

<b>Age – Dubbo electorate clients 2021-22</b>	<b>Under 25 years</b>	21	6%
	<b>25-50</b>	202	61%
	<b>51-65</b>	46	14%
	<b>Over 65</b>	24	7%

<b>ATSI and gender – Dubbo electorate clients 2021-2022</b>	<b>ATSI</b>	98	29%
	<b>Female</b>	228	68%

\* Average age 43 years, median age 42 years

**Dubbo electorate main issues in cases 2017-2022**

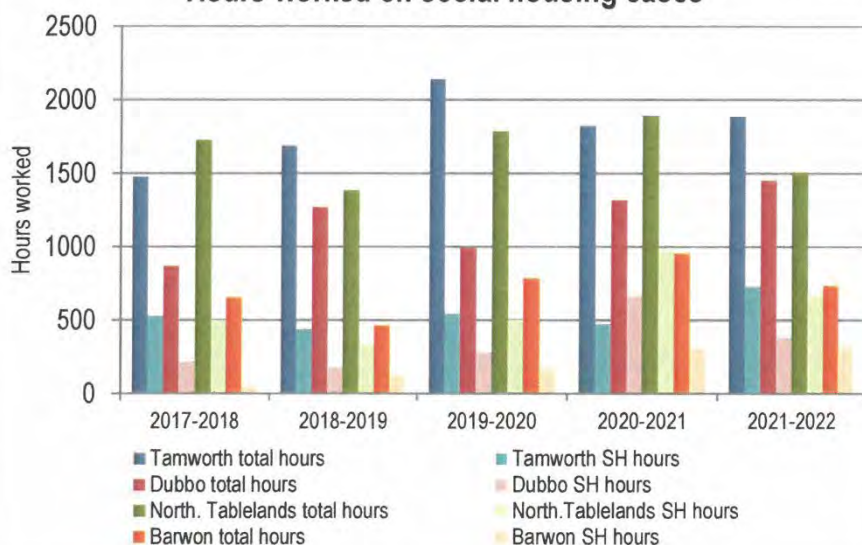


NEWTAAS dealt with more tenancy matters in 2021-2022 than in any year other than 2018-2019. The same is true of hours worked directly on those cases, even though difficulties posed by restricted contact hours have been significant.

The graphs at the bottom show that cases involving advocacy, where a tenant advocate spends one or more sessions acting on behalf of the tenant, take up a much greater share of resources than those that involve advice only or referrals.

Below is a detailed look at the 11 most common issues raised with NEWTAAS in Dubbo SED in 2021-2022.

**Hours worked on social housing cases**



NCAT: General advice	147
General rights/responsibilities	117
Termination: general advice	82
Repairs: non-urgent	58
Social Housing: other	56
Bond: general advice	53
Rent: general advice	52
Termination by landlord: breach by tenant	46
Repairs: urgent	44
Rent: arrears	41
Termination by landlord: no grounds	41

**2021-2022 Dubbo electorate – Case numbers by type**

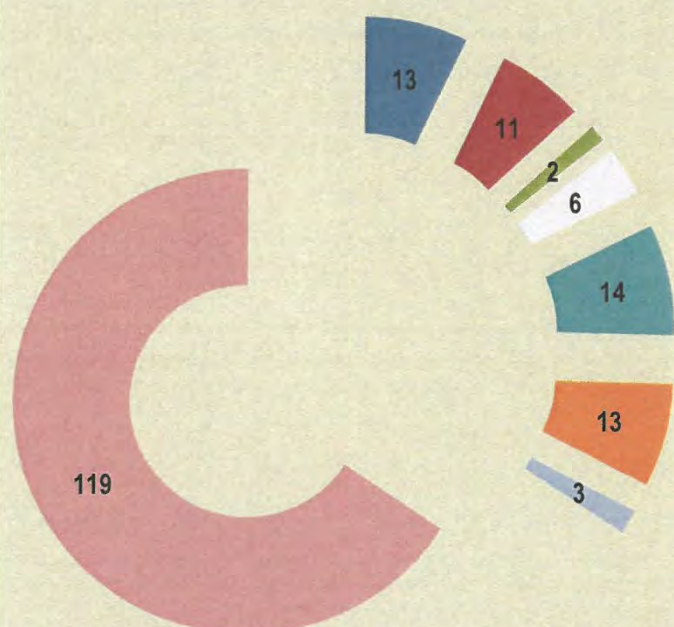


**2021-22 Dubbo electorate – Hours worked by case type**



Positive outcomes achieved for clients by work type and issues, Dubbo electorate 2021 – 2022											
333 total cases	Number of cases in period										Total hours worked
	Cases - good result	Bond	Boarding Houses	Access	NCAT	Rents	Repairs	Share Housing	Social Housing	Termination	
Cases with advocacy sessions	32	12	0	5	26	21	9	1	12	20	904.75
Only advice, referral or assistance	108	25	1	19	53	40	37	2	25	57	112.00

Types of positive outcomes achieved in Dubbo electorate 2021-2022



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

## Who is facing homelessness in Dubbo electorate in 2021-2022?

- Clients in 28% of all matters dealt with by NEWTAAS in Dubbo electorate
- 30% of all clients with a disability
- 37% of ATSI clients
- A staggering 75% of clients at risk of domestic violence

### Household type

Household type	Number	% of total facing homelessness
Couple	4	4%
Family	10	11%
Group	4	4%
Extended	6	6%
Single	29	31%
Sole Parent	27	29%
Single income	56	60%
With children	37	39%

- Median rent paid by the household: \$270
- 65% received government payments as the main source of income
- 22% received their main income from employment

### Type of housing

- 31% lived in social housing
- 57% landlord with real estate agent
- 5% landlord with no real estate agent

### Age

The median age of tenants facing homelessness was 42 years, compared with 43 for all clients in Dubbo electorate. The average age was 43, compared to 42 generally.

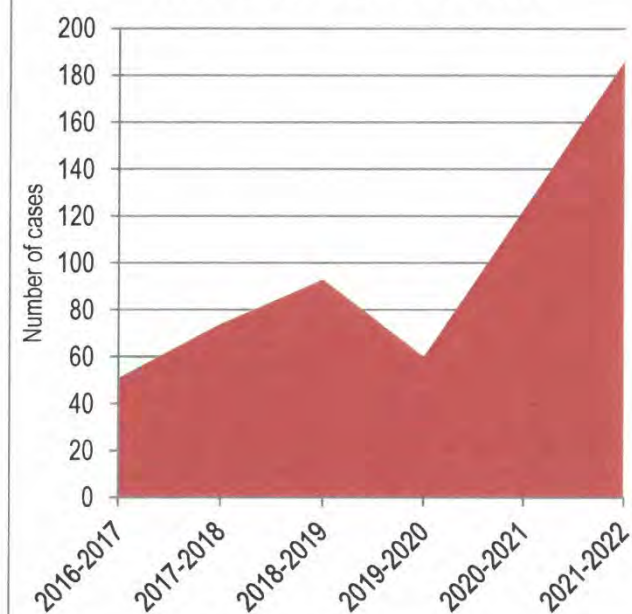
# facing homelessness

## Tamworth State Electoral District

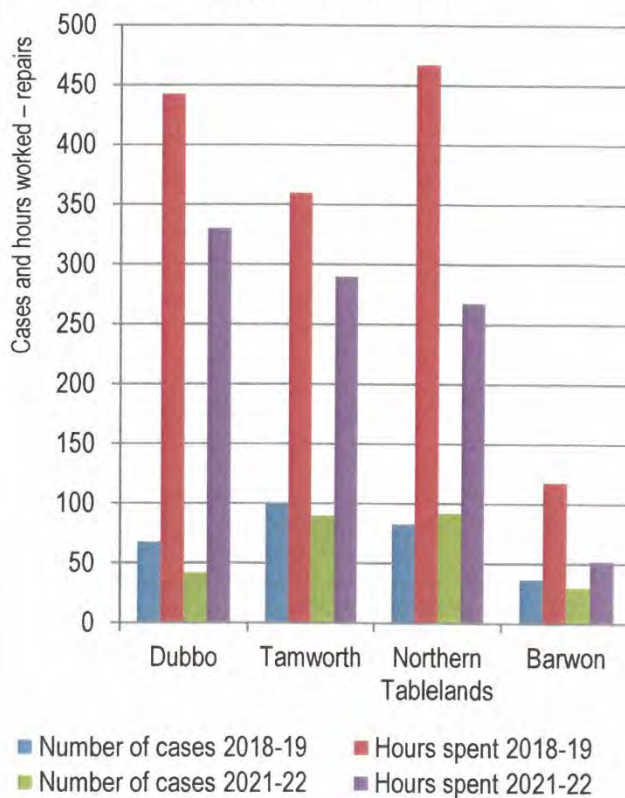
Spiralling rents threaten many tenants with homelessness if they lose their homes. Many tenants are being evicted for no reason (no grounds terminations). NEWTAAS tenant advocates assess a client's risk of homelessness based on income and the tenant's experience in sourcing a new home. In 2021-22 tenants at risk of homelessness rose by more than 80%. The threat of homelessness means many are forced to keep quiet about serious maintenance issues. Rental stress in the table opposite is from the 2021 Census showing the number of renter households paying more than 30% of their income in rent.

Suburb/ town	Post-code	% Rental Stress	Rented properties	Total People
TAMWORTH	2340	32.7%	6,526	52,436
WERRIS CREEK	2341	34.7%	144	1,478
CURRABUBULA	2342	16.7%	30	465
DURI	2344	25.0%	36	674
ATTUNGA	2345	21.4%	28	707
MANILLA	2346	40.0%	275	3,033
BARRABA	2347	21.2%	156	1,865
KOOTINGAL	2352	35.0%	243	2,950
MOONBI	2353	29.6%	71	1,201
WALCHA	2354	24.7%	255	3,484
BENDEMEER	2355	35.7%	28	627
MULLALEY	2379	28.6%	14	291
GUNNEDAH	2380	30.5%	1,205	11,118
PREMER	2381	23.7%	97	1,302
BOGGABRI	2382	20.3%	143	1,381

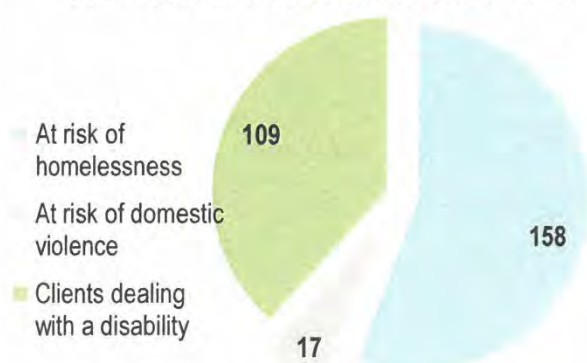
**Termination by landlord with no reason – all NEWTAAS cases**



**Less follow-up on repairs for tenants of private landlords**

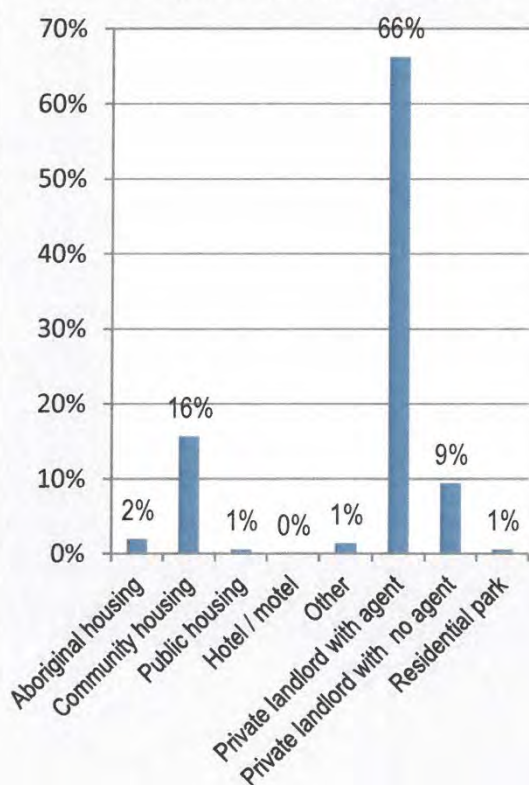


**Tamworth electorate client risk 2021-22**



# our area Tamworth State Electoral District

**Landlord type** Tamworth electorate  
NEWTAAS clients 2021–2022



**Access to technology – Tamworth electorate – 2021-22 clients**

Number of clients listing a mobile number as their primary contact phone	461	93%
Number of new clients with email address supplied	114	41%
Number of clients with primary access to internet through mobile phone (estimate)	30% of those with an email address	

**Weekly rents - Tamworth electorate clients 2021-22**

Median	\$300	
Average	\$308	
Under \$100	3	1%
\$100 - \$149	8	2%
\$150 - \$199	32	9%
\$200 - \$249	62	17%
\$250 - \$299	72	19%
\$300 - \$349	69	18%
\$350 and over	127	34%
\$350 and over	94	29%

<b>Main Income Source</b> Tamworth electorate clients 2021-22	<b>Employed</b>	150	35%
	<b>Government transfer payments</b>	251	58%
	<b>Other</b>	29	7%

<b>Households</b> Tamworth electorate clients 2021–2022	<b>Household type</b>	<b>Number in 2021-2022</b>	<b>% of cases involving</b>
	Total Cases	498	100%
	Couple	60	12%
	Family	87	17%
	Group	18	4%
	Extended family	24	5%
	Single	128	26%
	Sole Parent	102	20%

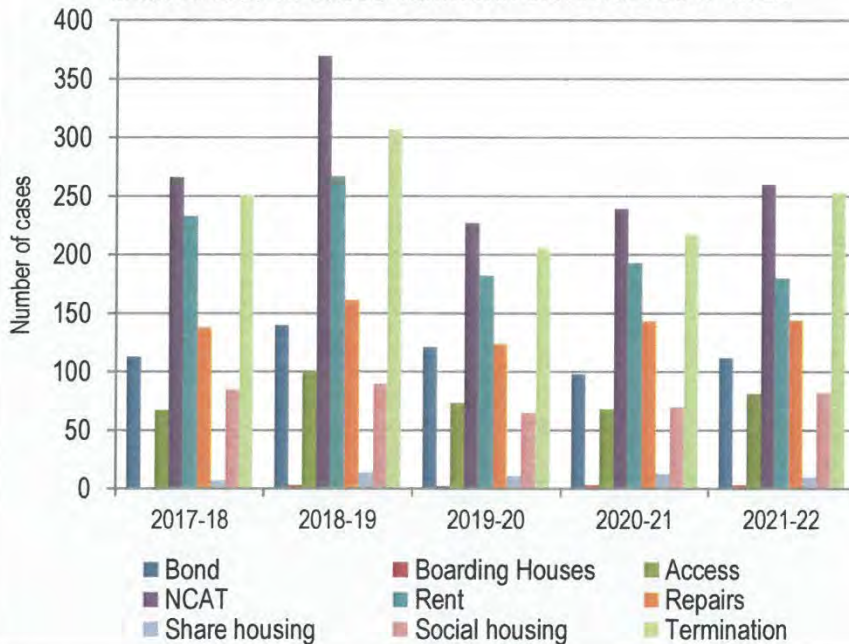
<b>Tenure type</b> Tamworth electorate clients 2021-2022	<b>Tenant</b>	302	61%
	<b>Cotenant</b>	152	31%
	<b>Subtenant</b>	3	1%
	<b>Other occupant</b>	7	1%

<b>Client Age</b> Tamworth electorate 2021-2022	<b>Under 25 years</b>	48	10%
	<b>25-50</b>	304	61%
	<b>51-65</b>	89	18%
	<b>Over 65</b>	33	7%

<b>ATSI and gender</b> Tamworth electorate clients 2021-2022	<b>ATSI</b>	144	29%
	<b>Female</b>	352	71%

\* Average and median age 41 years

**Main issues in cases Tamworth electorate 2017-2022**



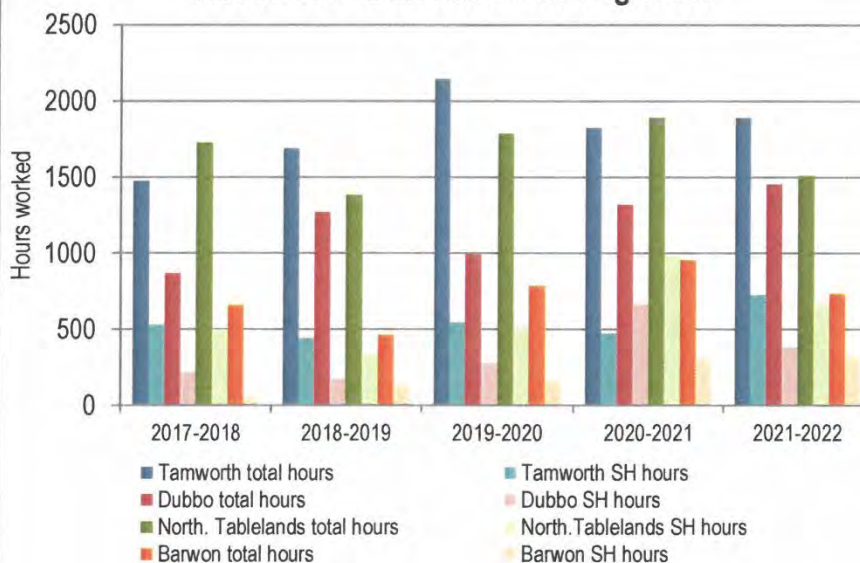
NEWTAAS dealt with more tenancy matters in 2021-2022 than in any year other than 2018-2019. The same is true of hours worked directly on those cases, even though difficulties posed by restricted contact hours have been significant.

The graphs at the bottom show that cases involving advocacy, where a tenant advocate spends one or more sessions acting on behalf of the tenant, take up a much greater share of resources than those that only involve advice or referrals.

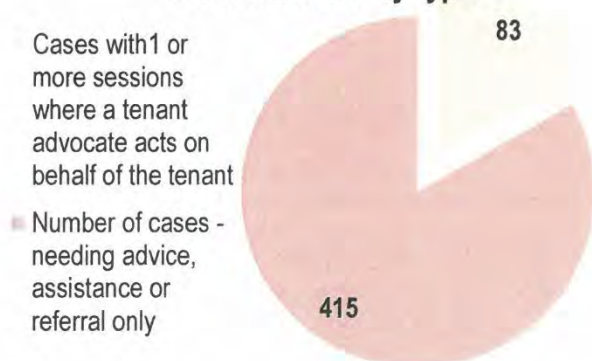
Below is a detailed look at the 11 most common issues raised with NEWTAAS in 2021-2022.

NCAT General Advice	257
Termination: general advice	136
Repairs: non-urgent	99
Rent: general advice	94
Bond: general advice	84
Rent: arrears	77
Termination by LL: breach by tenant	74
Termination by LL: no ground	68
Compensation claim: landlord	60
Social Housing: other	60
Repairs: urgent	55

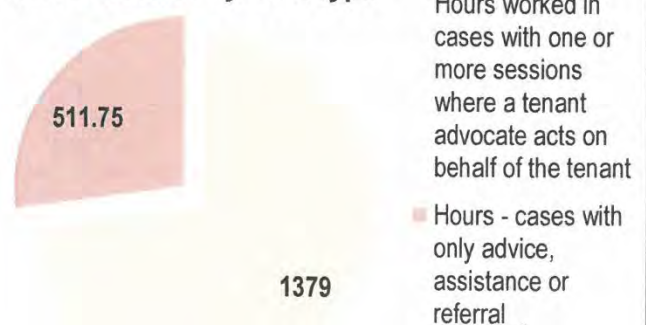
**Hours worked on social housing cases**



**Tamworth electorate 2021-2022  
Case numbers by type**



**Tamworth electorate 2021-2022  
Hours worked by case type**

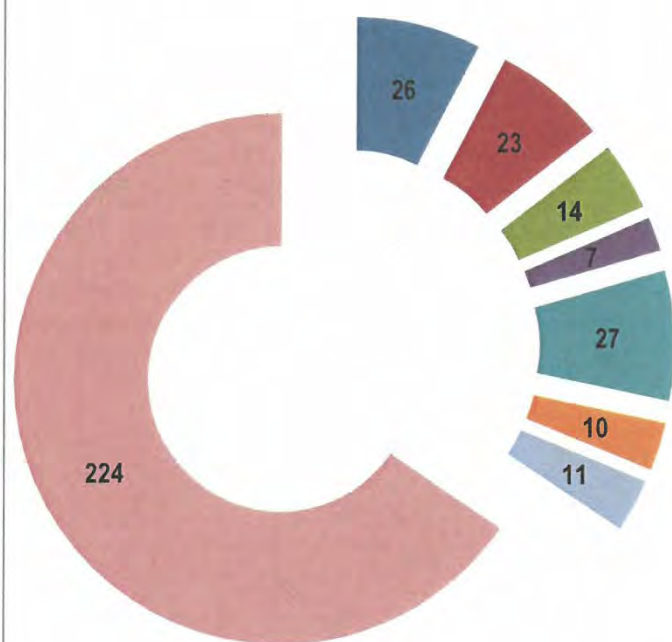


# our results Tamworth State Electoral District

## Positive outcomes achieved for clients by work type and issues, Tamworth electorate 2021 – 2022

498 total cases	Number of cases										Total hours worked
	Cases - good result	Bond	Boarding Houses	Access	NCAT	Rents	Repairs	Share Housing	Social Housing	Termination	
Cases with advocacy sessions	48	17	2	9	36	23	14	2	21	25	888.75
Only advice, referral or assistance	210	47	0	42	121	72	67	4	20	114	234.25

Tamworth electorate – types of positive outcomes achieved 2021–2022



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

## Who is facing homelessness in Tamworth electorate in 2021-22?

- Clients in 32% of all matters dealt with by NEWTAAS
- 36% of all clients with a disability in Tamworth electorate
- 38 per cent of ATSI clients
- A staggering 65% of clients at risk of domestic violence

### Household type

	Number	% of total facing homelessness
Couple	11	7%
Family	25	16%
Group	6	4%
Extended	6	4%
Single	47	30%
Sole Parent	35	22%
Single income	94	59%
With children	60	38%

- Median rent paid by the household: \$260
- 58% received government payments as the main source of income
- 22% received their main income from employment

### Type of housing

- 17% of lived in social housing
- 65% landlord with real estate agent
- 12% landlord with no real estate agent

### Age

The median age of tenants facing homelessness was 37 years, compared with 40 for all clients in Tamworth electorate. The average age was 39, compared to 41 generally.

# facing homelessness

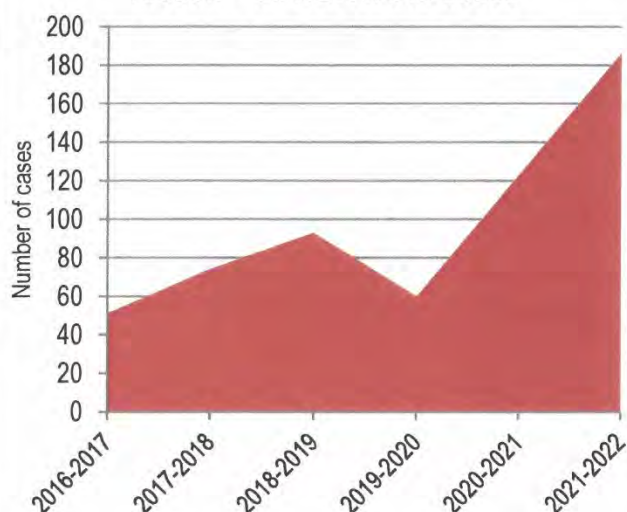
## Barwon State Electoral District

Spiralling rents threaten many tenants with homelessness if they lose their homes. More tenants are being evicted for no reason (no grounds termination). NEWTAAS tenant advocates assess clients' risk of homelessness based on income, rents and the tenants' experience in finding a new place to live. In 2021-22 in Barwon that risk rose by 83%. The threat of homelessness makes many keep quiet about serious maintenance issues. Rental stress, shown in the table on this page, is drawn from the 2021 Census. It shows the proportion of renter households paying more than 30% of their income in rent.

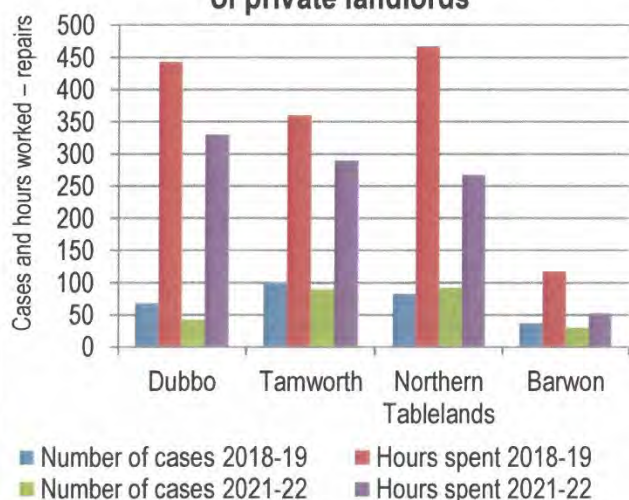
Client Risk Barwon electorate 2021-2022



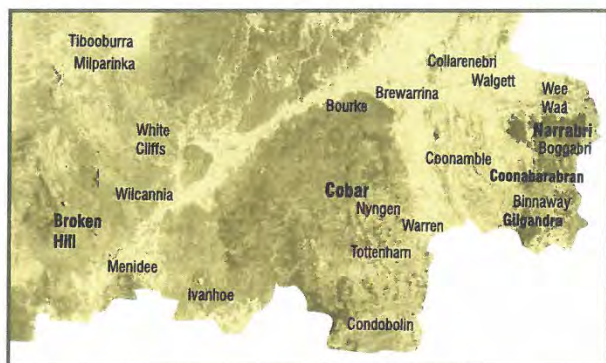
Termination by landlord with no reason – all NEWTAAS cases



Less follow-up on repairs for tenants of private landlords



Suburb/ town	Post-code	% Rental Stress	Rented properties	Total People
GWABEGAR	2356	0.0%	6	124
COONABARABRAN	2357	23.9%	327	4,069
BURREN JUNCTION	2386	0.0%	13	293
WEE WAA	2388	23.8%	260	2,554
NARRABRI	2390	30.0%	911	8,540
BINNAWAY	2395	18.8%	48	725
BARADINE	2396	10.8%	65	834
BELLATA	2397	13.6%	22	286
WARREN	2824	19.6%	199	2,055
NYNGAN	2825	40.0%	241	2,202
GILGANDRA	2827	26.6%	361	3,676
GULARGAMBONE	2828	19.4%	72	798
COONAMBLE	2829	18.6%	317	2,965
WALGETT	2832	12.3%	195	2,149
LIGHTNING RIDGE	2834	23.5%	213	1,984
COBAR	2835	10.7%	429	3,793
WILCANNIA	2836	16.7%	114	895
BREWARRINA	2839	21.6%	204	1,079
BOURKE	2840	9.5%	264	2,389
MENDOORAN	2842	26.2%	42	720
COOLAH	2843	22.5%	89	1,262
DUNEDOO	2844	30.1%	123	1,312
IVANHOE	2878	18.5%	27	286
MENINDEE	2879	25.3%	75	577
BROKEN HILL	2880	29.4%	1,759	18,097



- Barwon has the highest percentage of landlords who are unrepresented by real estate agents in the NEWTAAS catchment
- With the Northern Tablelands, more new clients in Barwon have email addresses
- NEWTAAS clients in Barwon are paying lower weekly rents than elsewhere in the catchment

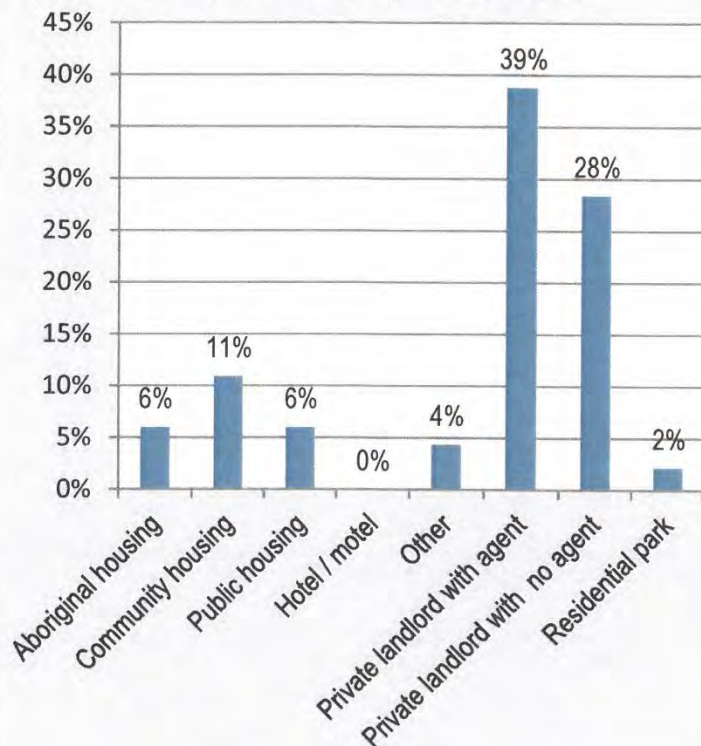
<b>Main Income Source</b> Barwon electorate clients 2021-22	Employed	37	24%
	Government transfer payments	110	71%
	Other	8	5%

Weekly rents Barwon Electorate clients 2021-22		
Median	\$220	
Average	\$213	
Under \$100	8	6%
\$100 - \$149	19	13%
\$150 - \$199	25	18%
\$200 - \$249	32	23%
\$250 - \$299	27	19%
\$300 - \$349	18	13%
\$350 and over	12	9%

<b>Tenure type</b> Barwon Electorate clients 2021-22	Tenant	128	70%
	Cotenant	30	16%
	Subtenant	1	1%
	Other occupant	4	2%
	Park home owner	3	2%

<b>ATSI and gender</b> Barwon electorate clients 2021-22	ATSI	59	32%
	Female	131	72%

**Landlord type**  
Barwon electorate clients 2021-2022



**Access to technology** Barwon electorate 2021-2022 clients

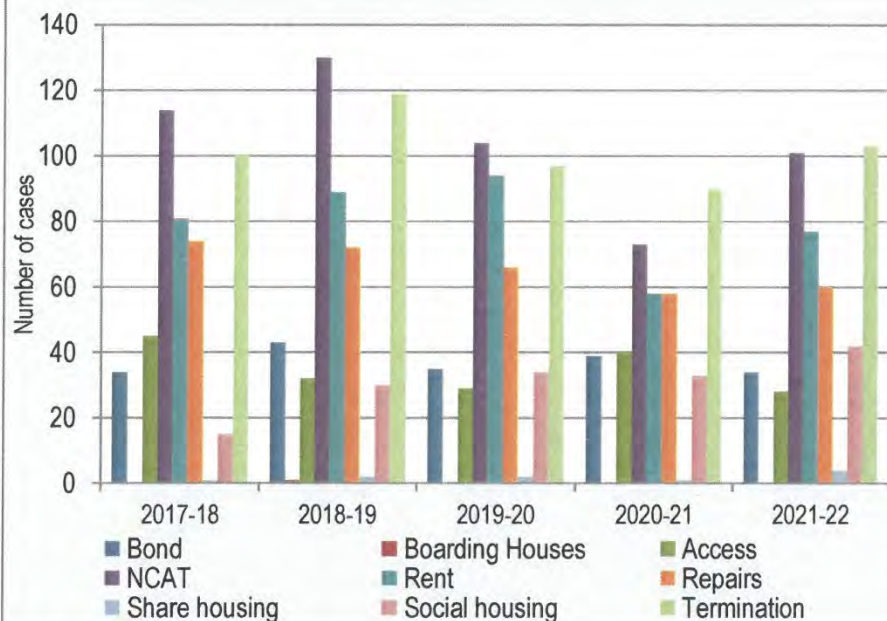
Number of clients listing a mobile number as their primary contact phone	164	90%
Number of new clients with email address supplied	58	49%
Number of clients with primary access to internet through mobile phone (estimate)	30% of those with an email address	

<b>Households</b> Barwon electorate clients 2021-22	Household type	Number in 2020-2021	% of cases involving
	Total Cases	183	100%
	Couple	13	7%
	Family	23	13%
	Group	12	7%
	Extended family	2	1%
	Single	70	38%
	Sole Parent	33	18%

<b>Client age</b> Barwon electorate clients 2021-22	Under 25 years	9	5%
	25-50	109	60%
	51-65	36	20%
	Over 65	19	10%

\* Average age 44 years, median age 42 years

**Main issues in cases Barwon electorate 2017-2022**

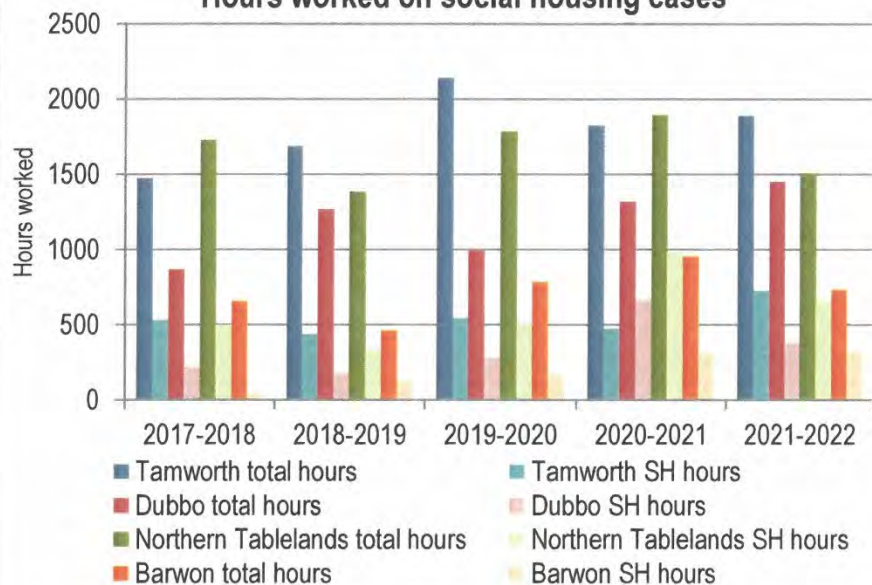


NEWTAAS dealt with around the same number of tenancy matters in 2021-22 as 2019-20 and 2020-21. Fewer hours were worked directly on those cases, as the service dealt with significant difficulties posed by restricted contact hours.

The graphs at the bottom show that cases involving advocacy, where a tenant advocate spends one or more sessions acting on behalf of the tenant, take up a much greater share of resources than those that only involve advice or referrals.

Below is a detailed look at the 11 most common issues raised with NEWTAAS in Barwon in 2021-2022.

**Hours worked on social housing cases**

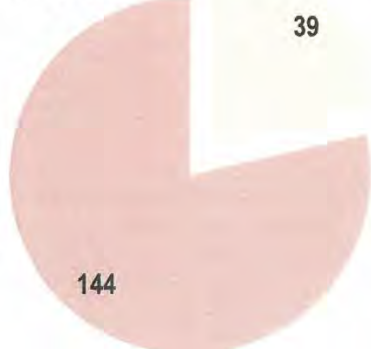


NCAT: General advice	102
General rights/responsibilities	78
Termination: general advice	55
Rent: general advice	40
Rent: arrears	39
Repairs: non-urgent	39
Termination by landlord: breach by tenant	38
Social Housing: other	31
Bond: general advice	30
Repairs: urgent	29
Termination by landlord: other	25

**Case numbers by type**  
Barwon electorate 2021-2022

Cases with one or more sessions where a tenant advocate acts on behalf of the tenant

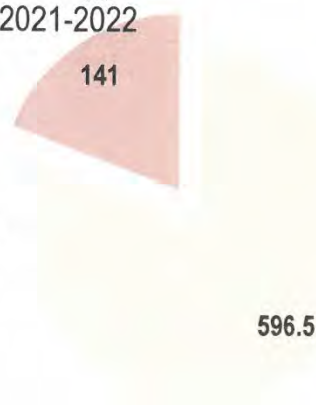
Number of cases - advice, assistance or referral only



**Hours worked by case type**  
Barwon electorate 2021-2022

Hours worked in cases with one or more sessions where a tenant advocate acts on behalf of the tenant

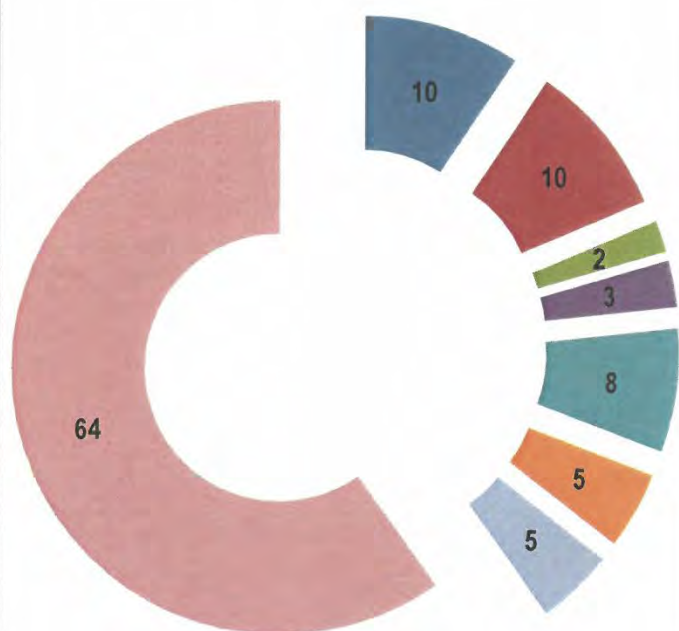
Hours worked - advice, assistance or referral cases only



### Positive outcomes achieved for clients by work type and issues, Barwon electorate 2021 – 2022

183 total cases	Number of cases										Total hours worked
	Cases – good result	Bond	Boarding Houses	Access	NCAT	Rents	Repairs	Share Housing	Social Housing	Termination	
Cases with advocacy sessions	20	3	0	2	15	10	4	0	7	16	422.5
Only advice, referral or assistance	52	10	0	11	35	30	20	1	11	35	59.0

Barwon electorate – cases with positive outcomes achieved for tenants 2021–2022



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

### Who is facing homelessness in Barwon in 2021-22?

- Clients in 30% of all matters dealt with by NEWTAAS in Barwon
- 35 per cent of all clients with a disability
- 39 per cent of ATSI clients
- A staggering 67% of clients at risk of domestic violence

#### Household type

	Number	% of total facing homelessness
Couple	11	5%
Family	16	11%
Group	9	11%
Extended	3	2%
Single	37	44%
Sole Parent	40	20%
Single income	77	64%
With children	56	31%

- Median rent paid by the household: \$211
- 67% had government payments as the main source of income.
- 18% received their main income from employment

#### Type of housing

- 20% lived in social housing
- 38% landlord with real estate agent
- 38% landlord with no real estate agent

#### Age

The median age of tenants facing homelessness was 41 years, compared with 42 for all clients in Barwon electorate. The average age was 43, compared to 44 generally.

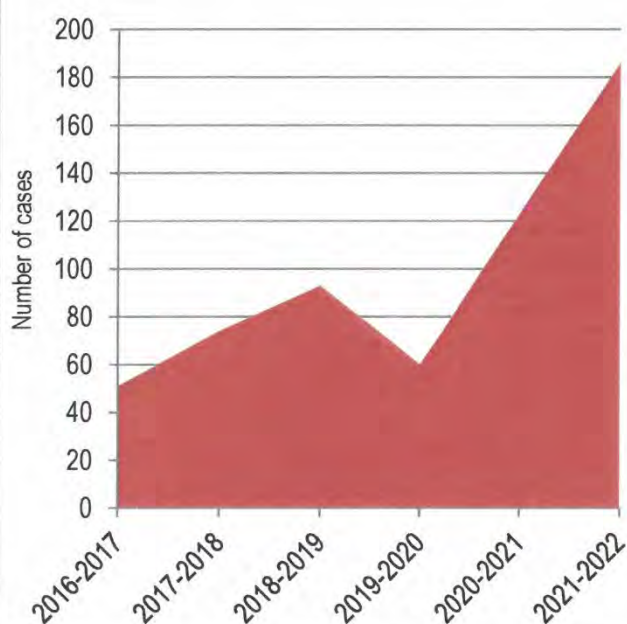
# facing homelessness

## Northern Tablelands State Electoral District

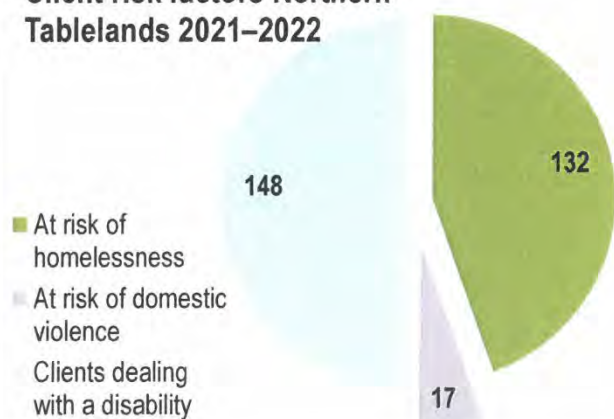
Spiralling rents threaten many tenants with homelessness if they lose their homes. More tenants are being evicted for no reason (no grounds terminations). NEWTAAS tenant advocates assess client's risk of homelessness based on income and the tenant's experience in sourcing a new place to live. In 2021-22 that indicator increased by 45% in the Northern Tablelands electorate. The threat of homelessness means tenants often keep quiet about serious maintenance issues. Rental stress, shown in the table opposite, is drawn from the 2021 Census. It shows the proportion of renter households paying more than 30% of their income in rent.

Suburb/ town	Post-code	% Rental Stress	Rented properties	Total People
ARMIDALE	2350	35.8%	3,445	26,911
BUNDARRA	2359	20.6%	34	710
INVERELL	2360	32.4%	1,629	14,995
ASHFORD	2361	39.7%	63	927
GUYRA	2365	29.5%	292	3,762
TINGHA	2369	31.1%	61	871
GLEN INNES	2370	38.2%	827	7,785
ROWENA	2387	0.0%	22	201
GURLEY	2398	0.0%	9	248
BINIGUY	2399	13.9%	36	623
MOREE	2400	22.3%	1,137	9,708
GRAVESEND	2401	0.0%	19	299
WARIALDA	2402	28.4%	134	1,745
MYALL CREEK	2403	24.2%	33	719
BINGARA	2404	28.7%	129	1,676
GARAH	2405	0.0%	17	500
MUNGINDI	2406	15.5%	84	705
NORTH STAR	2408	0.0%	22	310
BOGGABILLA	2409	18.1%	116	1,072
YETMAN	2410	30.0%	10	240
CROPPA CREEK	2411	0.0%	7	104
COLLARENEBRI	2833	19.0%	84	634

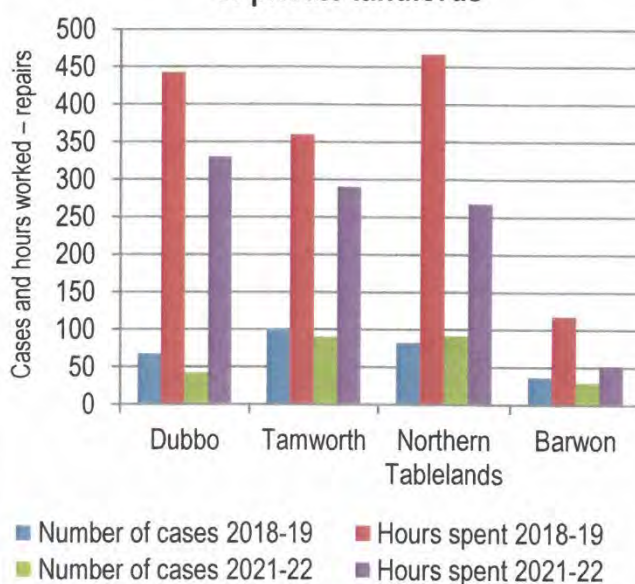
**Termination by landlord with no reason – all NEWTAAS cases**

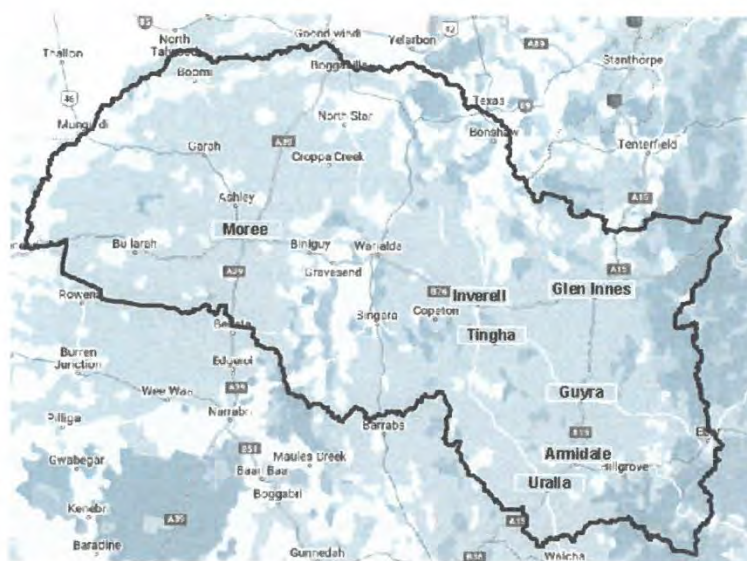


**Client risk factors Northern Tablelands 2021-2022**



**Less follow-up on repairs for tenants of private landlords**





### Access to technology 2021-2022 clients Northern Tablelands

Number of clients listing a mobile number as their primary contact phone	474	96%
New clients with email address	109	49%
Number of clients with primary access to internet through mobile phone (estimate)	30% of those with an email address	

**Weekly rents** Northern Tablelands clients 2021-2022

Median Rent	<b>\$250</b>	
Average rent	<b>\$275</b>	
Under \$100	2	1%
\$100 - \$149	23	6%
\$150 - \$199	60	16%
\$200 - \$249	54	15%
\$250 - \$299	82	22%
\$300 - \$349	69	19%
\$350 and over	80	22%

**Tenure type**  
**Northern**  
**Tablelands**  
**2021-22**

<b>Tenant</b>	332	67%
<b>Cotenant</b>	112	23%
<b>Subtenant</b>	2	0%
<b>Other occupant</b>	7	1%
<b>Park home owner</b>	2	0%

**ATSI and gender  
Northern Tablelands  
2021-22**

ATSI	136	28%
Female	340	69%

**Main Income Source**  
Northern  
Tablelands cli  
2021-22

<b>Employed</b>	135	27%
<b>Government transfer payments</b>	267	54%
<b>Other</b>	26	5%

**Households**  
Northern  
Tablelands  
clients  
2021-2022

Household type	Number in 2021-2022	% of cases involving
Total Cases	494	100%
Couple	49	10%
Family	68	14%
Group	28	6%
Extended family	24	5%
Single	148	30%
Sole Parent	106	21%

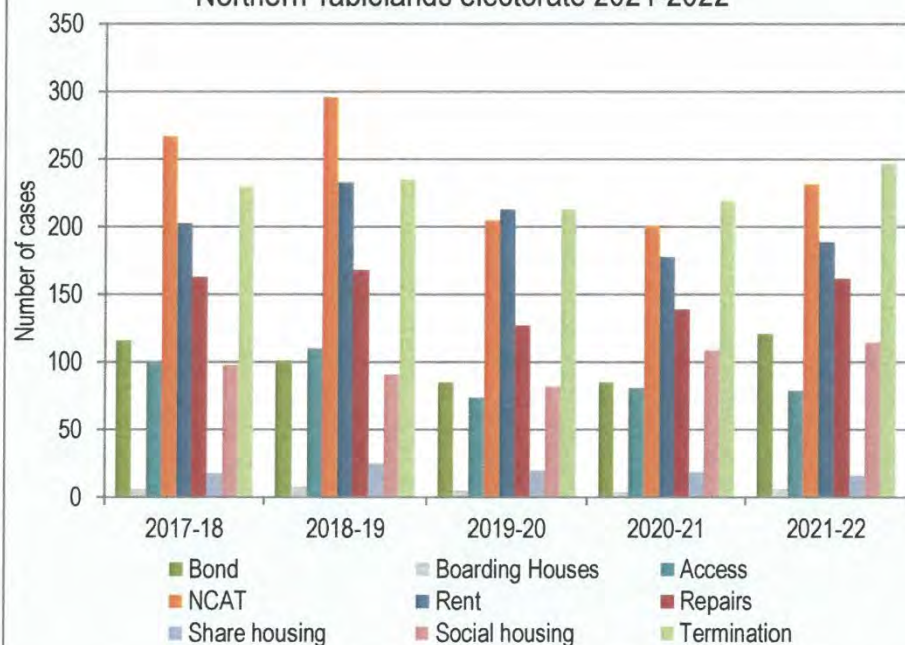
**Age**  
Northern  
Tablelands  
clients  
2021-22

<b>Under 25 years</b>	35	7%
<b>25-50</b>	283	57%
<b>51-65</b>	99	20%
<b>Over 65</b>	46	9%

\* Average age 44 years, median age 41 years

## Main issues by case numbers

Northern Tablelands electorate 2021-2022

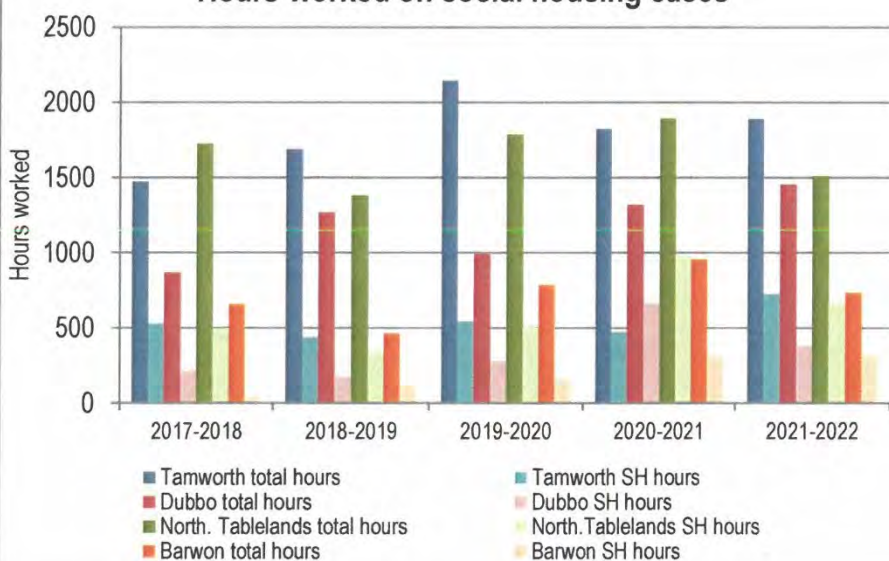


NEWTAAS dealt with more tenancy matters in 2021-2022 than in any year since 2018-2019. The same is true of hours worked directly on those cases, even though difficulties posed by restricted contact hours have been significant.

The graphs at the bottom show that cases involving advocacy, where a tenant advocate spends one or more sessions acting on behalf of the tenant, take up a much greater share of resources than those that involve advice only or referrals.

Below is a detailed look at the 11 most common issues raised with NEWTAAS in 2021-2022.

## Hours worked on social housing cases

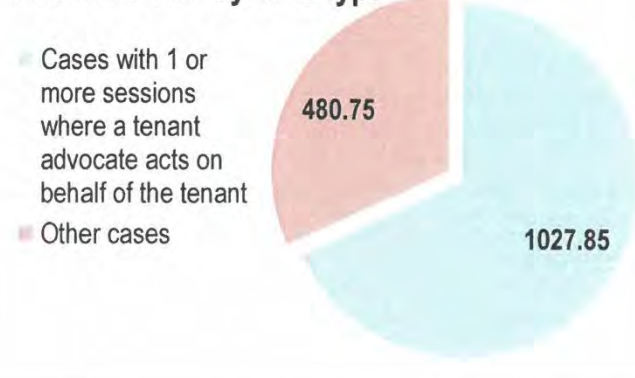


NCAT: General advice	226
General rights/responsibilities	225
Termination: general advice	146
Repairs: non-urgent	100
Rent: general advice	86
Social Housing: other	80
Rent: arrears	76
Bond: general advice	72
Withdrawal of services	71
Termination by landlord: breach by tenant	62
Termination by landlord: no grounds	58

## Northern Tablelands 2021-22 Case numbers by type



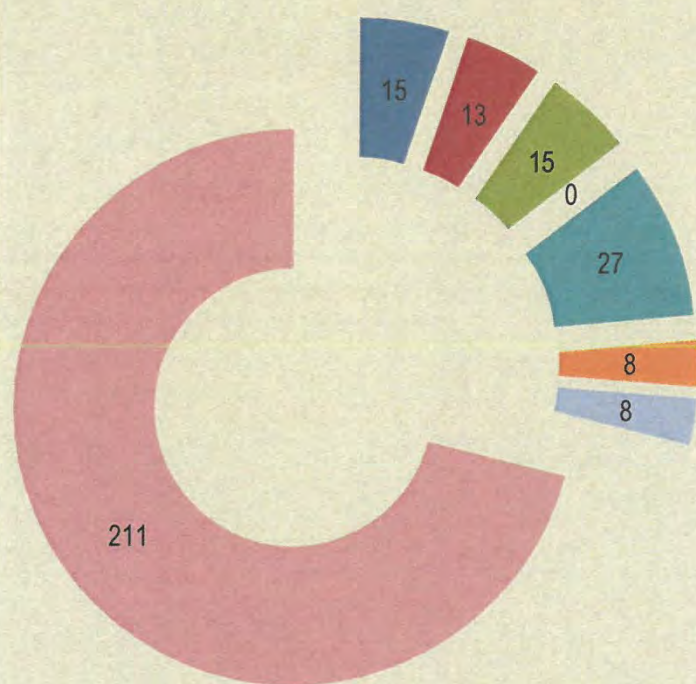
## Northern Tablelands 2021-22 Hours worked by case type



## Positive outcomes achieved for clients by work type and issues, Northern Tablelands electorate 2021 – 2022

494 total cases	Number of cases in period										Total hours worked
	Cases - good result	Bond	Boarding Houses	Access	NCAT	Rents	Repairs	Share Housing	Social Housing	Termination	
Cases with advocacy sessions	48	11	0	8	30	31	21	2	27	27	608.5
Only advice, referral or assistance	198	52	2	38	93	73	69	5	34	115	228.0

The types of positive outcomes achieved for clients in Northern Tablelands electorate 2021-2022



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

## Who is facing homelessness in Northern Tablelands in 2021-22?

- Clients in 27% of all matters dealt with by NEWTAAS in Northern Tablelands
- 36% of all clients with a disability in Northern Tablelands electorate
- 34 per cent of ATSI clients
- A staggering 53% of clients at risk of domestic violence

### Household type

	Number	% of total facing homelessness
Couple	11	8%
Family	16	12%
Group	9	7%
Extended	3	2%
Single	37	28%
Sole Parent	40	30%
Single income	77	58%
With children	56	38%

- Median rent paid by the household: \$240
- 64% received government payments as the main source of income
- 20% received their main income from employment

### Type of housing

- 28% lived in social housing
- 56% landlord with real estate agent
- 10% landlord with no real estate agent

### Age

The median age of tenants facing homelessness was 43 years, compared with 41 for all clients in Northern Tablelands. The average age was 44, compared to 43 generally.

# 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

Monday – Friday 9am to 5pm **1800 836 268**

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.

**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 2022**

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 2022**

### **Contents to the financial report**

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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 2022.

### **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)  
Marjorie Henzell  
Jennifer Bourke (Secretary)  
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. In June 2022 this was extended for a further year till 30 June 2023.

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.

An application for funding for an additional 0.5 FTE was made to NSW Fair Trading which was approved for the 2021-2022 financial year. This has been approved as part of core funding in the extension of funding and may continue to form part of core funding.

### **After balance date events**

NSW Fair trading are calling for Tenders in August/September 2022 for a three year contract commencing July 2023.

A permanent increase in the core funding by 0.5FTE may be offered when the 3 year tender is released in August/September 2022.

### **Going Concern**

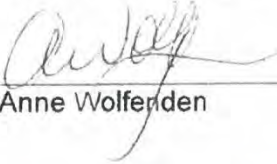
The financial statements have been prepared on a going concern basis. The current funding contract expires on 30 June 2023.

It is expected that an application process will be run before the expiry of the contract for the funding period 1 July 2023-30 June 2026.

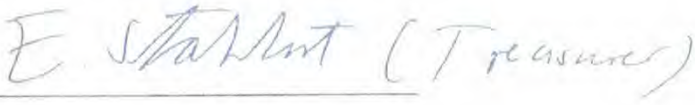
**New England & Western Tenants Advice & Advocacy Service Inc.**

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

Chair

  
\_\_\_\_\_  
Anne Wolfenden

Member

  
\_\_\_\_\_  
Elizabeth Stahlnt

Dated: 2 September 2020

New England & Western Tenants Advice & Advocacy Service Inc.

Statement of profit or loss and other comprehensive income for the  
Year ended 30 June 2022

	2022	2021
	\$	\$
<b>Revenue</b>		
Grant – Core Funding	636,016	618,746
Grant – Non Core Funding	196,885	90,438
Reimbursable expenses	1,846	969
Other Income	28	14,721
Cash Flow Boost Government Funding	-	27,442
Interest	2,724	3,568
<b>Total revenue</b>	<b>837,499</b>	<b>755,884</b>
<b>Expenditure</b>		
<b>Salary and Related Expenses</b>		
Salaries and Wages	586,722	513,350
On-costs	141,304	135,778
<b>Total Salary and Related Expenses</b>	<b>728,026</b>	<b>649,128</b>
<b>Other Operating Expenses</b>		
Communication Expenses	20,818	20,385
Office Overheads	20,825	13,417
Depreciation	10,747	12,371
Financial accountability	6,000	6,175
Utilities and outgoings	5,363	5,186
Printing and Stationery	3,877	1,780
Office Equipment	2,482	3,274
Rent	25,766	26,537
Staff Related Expenses	4,111	3,329
Travel	7,216	7,349
Motor Vehicle	1,456	1,387
Fuel	812	187
	<b>109,473</b>	<b>106,756</b>
<b>Total Expenditure</b>	<b>837,499</b>	<b>755,884</b>
<b>Current year deficit before income tax</b>	<b>-</b>	<b>-</b>
<b>Income tax expense</b>	<b>-</b>	<b>-</b>
<b>Net Current year deficit</b>	<b>-</b>	<b>-</b>

New England & Western Tenants Advice & Advocacy Service Inc.

Statement of profit or loss and other comprehensive income for the  
Year ended 30 June 2022 (Cont.)

**Other comprehensive income**

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

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

**Total other comprehensive income for the year**

**Total comprehensive income for the year**

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

-	-
-	-
-	-
-	-
-	-

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 2022

	Note	2022 \$	2021 \$
<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash and Cash Equivalents		585,558	512,804
Accounts receivable and other debtors	2	4,958	2,760
Shares		10	10
<b>Total Current Assets</b>		<b>590,526</b>	<b>515,574</b>
<b>NON-CURRENT ASSETS</b>			
Plant & equipment	3	21,565	23,980
<b>Total Non Current Assets</b>		<b>21,565</b>	<b>23,890</b>
<b>Total Assets</b>		<b>612,091</b>	<b>539,554</b>
<b>LIABILITIES</b>			
<b>CURRENT LIABILITES</b>			
Accounts payable and other payables		16,643	20,836
Provisions	4	473,017	392,968
Other current liabilities	5	21,640	11,918
<b>Total Current Liabilities</b>		<b>511,300</b>	<b>425,722</b>
<b>NON CURRENT LIABILITES</b>			
Provisions	4	86,032	99,073
<b>Total Non Current Liabilities</b>		<b>86,032</b>	<b>99,073</b>
<b>Total Liabilities</b>		<b>597,332</b>	<b>524,795</b>
<b>NET ASSETS</b>		<b>14,759</b>	<b>14,759</b>
<b>Equity</b>		<b>14,759</b>	<b>14,759</b>
<b>Retained surplus/(Deficit)</b>		<b>-</b>	<b>-</b>
<b>Total Equity</b>		<b>14,759</b>	<b>14,759</b>

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 2022

	Equity \$
<b>Balances at 1 July 2020</b>	14,759
<b>Comprehensive Income</b>	
Deficit for the year attributable to members of the entity	-
Other comprehensive income for the year	-
<b>Total comprehensive income attributable to members of the entity</b>	<b>14,759</b>
<b>Balance at 30 June 2021</b>	14,759
<b>Comprehensive Income</b>	
Surplus for the year attributable to members of the entity	-
Other comprehensive income for the year	-
<b>Total comprehensive income attributable to members of the entity</b>	-
<b>Balance at 30 June 2022</b>	<b>14,759</b>

New England & Western Tenants Advice & Advocacy Service Inc.

Statement of cash flows for the Year ended 30 June 2022

	<b>2022</b>	<b>2021</b>
	<b>\$</b>	<b>\$</b>
<b>Cash flows from operating activities</b>		
Grant income	898,217	698,775
Interest received	2,724	3,568
Payments to employees	(642,492)	(565,501)
Payments to suppliers	(176,530)	(120,788)
<b>Net cash (used in)/generated from operating activities</b>	<b>81,919</b>	<b>16,054</b>
<b>Cash flows from investing activities</b>		
Payment for plant and equipment	(9,165)	(14,810)
<b>Net cash used in investing activities</b>	<b>(9,165)</b>	<b>(14,810)</b>
<b>Net increase/ (decrease) in cash held</b>	<b>72,754</b>	<b>1,244</b>
<b>Cash on hand at the beginning of the financial year</b>	<b>512,804</b>	<b>511,560</b>
<b>Cash on hand at the end of the financial year</b>	<b>585,558</b>	<b>512,804</b>

## **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 Committee has determined that the Association is not a reporting entity in accordance with the definition contained in AASB 1053.

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 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 2022 (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**

The Associations 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. There are specific situations where additional costs are required to be incurred to ensure the Association continues to meet these service standards. Practically these costs need to be provided for to ensure sufficient monies have been set aside to cover costs. As a result, the Association has opted to recognise provisions that do not comply with the recognition and measurement requirements of AASB 137 'Provisions, Contingent Liabilities and Contingent Assets'. The basis for recognition and measurement of these provision is outlined below:

**(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**

Notes to the Financial Statements for the Year Ended 30 June 2022 (Cont.)

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.

**(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.

**(iv) Higher Duties Allowances**

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 provision to cover costs for paying higher duty allowances to staff during periods where staff are required to act in higher roles as a result of staff turnover, leave and demand requirements. This provision does not comply with Accounting Standards and is measured by management's best estimate.

**(v) IT Expense**

The Association's core IT equipment has reached the end of its useful life and requires replacement to ensure the continued delivery of service in accordance with the Association's contract. The Association has recognised a provision for the replacement of this equipment based upon market quotations received. This provision does not comply with Accounting Standards.

**(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

## New England & Western Tenants Advice & Advocacy Service Inc.

### Notes to the Financial Statements for the Year Ended 30 June 2022 (Cont.)

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 2022 (Cont.)

**Note 2 Accounts receivable and other debtors**

	<b>2022</b>	<b>2021</b>
	<b>\$</b>	<b>\$</b>
Accounts Receivable	1,780	1,261
Prepayments	1,178	0
Reimbursable Expenses	652	146
Power Bank Deposit	315	320
Bond Guarantee	1,033	1,033
Tax Receivable	-	-
<b>Total Trade and Other Receivables</b>	<b>4,958</b>	<b>2,760</b>

**Note 3 Property, Plant and Equipment**

	<b>2022</b>	<b>2021</b>
	<b>\$</b>	<b>\$</b>
Office Equipment	65,202	56,870
Less: Accumulated Depreciation	(43,637)	(32,890)
<b>Total Property, Plant and Equipment</b>	<b>21,565</b>	<b>23,980</b>

	<b>2022</b>
	<b>\$</b>
<b>Carrying amount at 30 June 2021</b>	<b>23,980</b>
Asset Purchases	8,332
Profit/Loss on disposal of Equipment	-
Depreciation	(10,747)
<b>Closing Balance at 30 June 2022</b>	<b>21,565</b>

# New England & Western Tenants Advice & Advocacy Service Inc.

## Notes to the Financial Statements for the Year Ended 30 June 2022 (Cont.)

### Note 4 Employee Provisions

	2022 \$	2021 \$
<b>Current</b>		
Annual Leave	96,383	96,049
Long Service Leave	86,323	60,587
Personal/Carers Leave	32,533	30,635
Locum & Salaries	252,525	192,999
Time in Lieu	5,253	12,698
	<b>473,018</b>	<b>392,968</b>
<b>Non Current</b>		
Redundancy	86,032	90,287
Long Service Leave	-	8,786
	<b>86,032</b>	<b>99,073</b>

### Note 5 Other Current Liabilities

	2022 \$	2021 \$
Provision for IT Expense	20,000	10,000
Income in Advance	-	-
Tax payable (GST)	1,640	1,918
	<b>21,640</b>	<b>11,918</b>

### Note 6 Leasing Commitments

#### Operating Lease Commitments

	2022 \$	2021 \$
Rent of offices in Armidale, Dubbo and Tamworth Payable		
– minimum monthly lease payments	2,499	2,251
– not later than 12 months	29,986	27,014
– between 12 months and five years	-	-
– greater than five years	-	-
	<b>32,485</b>	<b>29,265</b>

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 now a month to month 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 or 3% 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 ran until June 2022. This has now been extended to June 2023 in line with funding extension. The non-cancellable period is considered to be one year. At that point it is likely that there will be an extension agreed in line with the funding contract. The rent for 2022-2023 is \$11,474 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 provision for CPI increments annually. This arrangement is reviewed annually and the non cancellable period is considered to be one year. 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.

New England & Western Tenants Advice & Advocacy Service Inc.

Statement by Members of the Committee  
For the Year Ended 30 June 2022

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 2022 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(I) 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 Stahlhut

Dated:

14 September 2022

## **Independent Audit Report to the members of New England and Western Tenants Advice and Advocacy Service Incorporated**

### ***Report on the Audit of the Financial Statements***

#### **Opinion**

We have audited the accompanying financial statements, being special purpose financial statements of New England and Western Tenants Advice and Advocacy Service Incorporated (the Association), which comprises the statement of financial position as at 30 June 2022, and the statement of profit or loss and other comprehensive income, the statement of changes in equity and statement of cash flows for the year then ended, including a summary of significant accounting policies, other explanatory notes and the members' declaration.

In our opinion, the accompanying financial statements of the Association are in accordance with Division 60 of *Australian Charities and Not-for-profits Commission Act 2012*, including:

- (i) giving a true and fair view of the Association's financial position as at 30 June 2022 and of its performance for the year ended on that date in accordance with the accounting policies described in Note 1; and
- (ii) 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 for Opinion**

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Association in accordance with the auditor independence requirements of the *Australian Charities and Not-for-profits Commission Act 2012* and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial statements in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

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

### **Emphasis of Matter - Basis of Accounting**

We draw attention to Note 1 to the financial statements, which describe the basis of accounting. The special purpose financial statements have been prepared for the purpose of fulfilling the Associations' financial reporting responsibilities under the *Australian Charities and Not-for-profits Commission Act 2012* and its members. As a result, the financial statements may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

### **Emphasis of Matter – Provisions**

We draw attention to Note 1 (e) to the financial statements which describes the accounting policy adopted by the committee with regard to Provisions. The Association has disclosed that it recognizes provisions which do not comply with the recognition and measurement requirements of AASB 137 'Provisions, Contingent Liabilities and Contingent Assets'. These provisions are based upon management's best estimates of future cost obligations. We have been provided with the basis for these estimates and we have assessed them as part of our audit procedures. However, the recognition of these provisions represents a departure from accounting standards. If the Association were to adopt General Purpose Financial statements in the future it would be required to comply with accounting standards and these provisions would need to be de-recognized. Our opinion is not modified in respect of this matter.

### **Responsibilities of Management and those charged with Governance**

Management is responsible for the presentation and fair presentation of the financial statements in accordance with the *Australian Charities and Not-for-profits Commission Act 2012*, and for such internal control as management determines is necessary to enable the preparation of the financial statements is free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Association's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Association or to cease operations, or has no realistic alternative but to do so.

### **Auditor's Responsibility**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations,

or the override of internal control.

- Obtain an understanding of internal control relevant to the audit 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 Association's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the management.
- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Association's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial reporter, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Association to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

*Forsyths*

Chartered Accountant



Paul Cornall

Principal

121 Rusden Street, Armidale

Dated this 15 September 2021