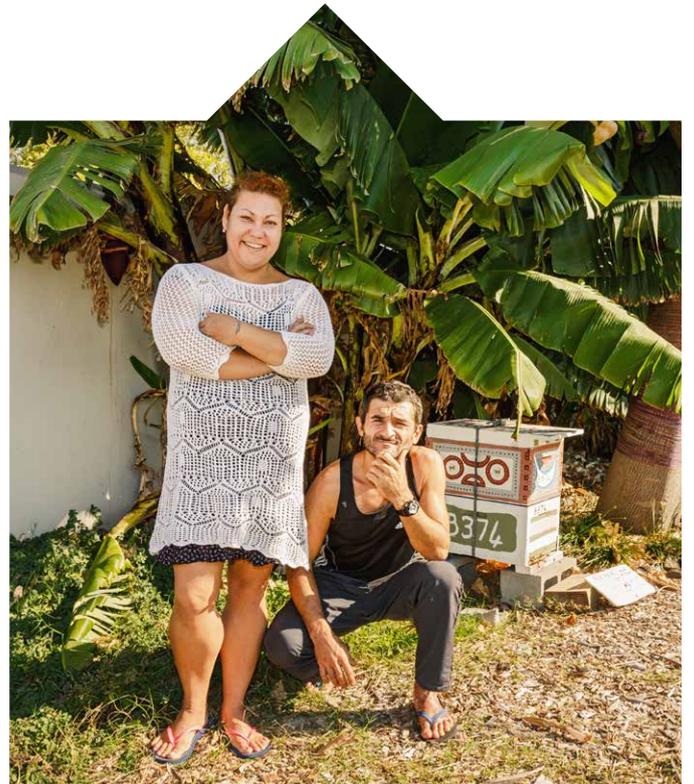
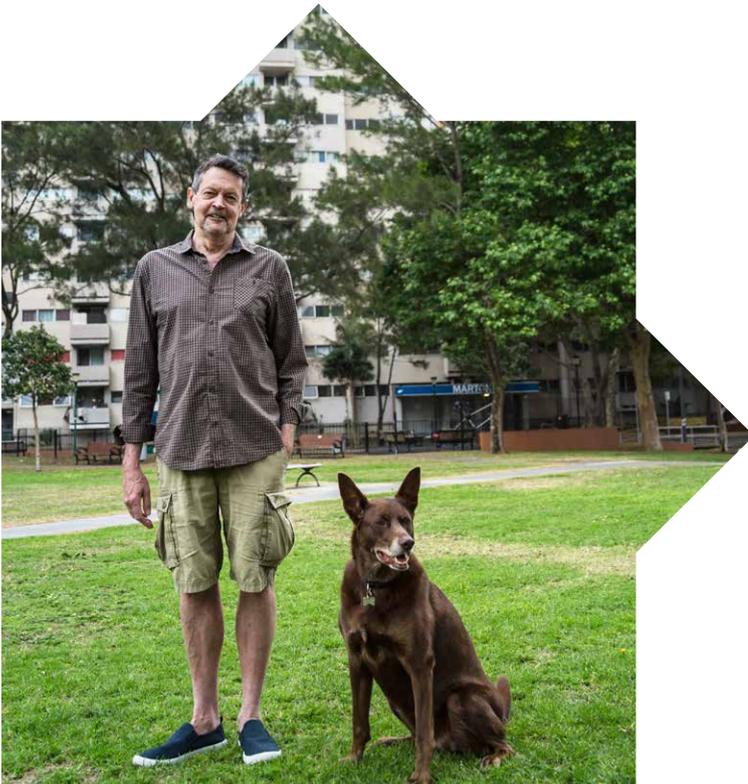




# TENANTS' UNION

OF NEW SOUTH WALES

## ANNUAL REPORT 2016-2017



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🏠 [tenants.org.au/tu](http://tenants.org.au/tu)

📡 [tunswblog.blogspot.com.au](http://tunswblog.blogspot.com.au)

📘 [facebook.com/tunsw](https://facebook.com/tunsw)

🐦 [twitter.com/@tunsw](https://twitter.com/@tunsw)

*Tenants' Union of NSW Annual Report 2016-2017. Published November 2017. Printed on recycled paper.*

*Cover photos, clockwise from top left: Kellie and Elijah, Penny and Benji, Brian and Ruby, and Liezel and Johnny. See back cover for corresponding stories. All cover photos by Lee Stefen.*

**Support our work with a donation – [givenow.com.au/tenantsunionofnsw](http://givenow.com.au/tenantsunionofnsw)**

# ABOUT THE TENANTS' UNION

**The Tenants' Union of New South Wales (TU) has been advocating for tenants in New South Wales since 1976.**

**The TU is an independent, secular, Community Legal Centre (CLC) and the peak body representing the interests of residential tenants in New South Wales.**

## OUR VISION

A society in which people in NSW can access safe, secure and affordable rental housing.

## OUR MISSION

We aim to make a positive difference to the lives of residential tenants in NSW, and particularly tenants who are economically and socially disadvantaged.

## WE ARE:

- A non-profit membership based cooperative under the *Cooperatives (Adoption of National Law) Act 2012 (NSW)*
- A Community Legal Centre specialising in NSW residential tenancies law and accredited by the National Association of Community Legal Centres (NACLC)
- The main resourcing body for Tenants' Advice & Advocacy Services (TAASs), which are funded through the Tenants' Advice and Advocacy Program (TAAP).
- A Registered Training Organisation (RTO)



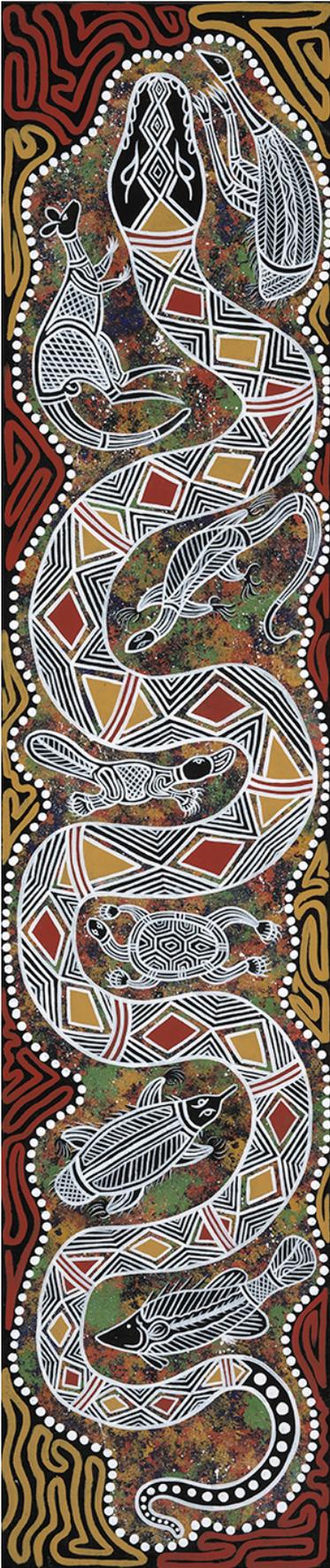
***TU staff at our annual planning day. Artwork in the background is from the Bangarra Boards Series by Barrupu Yunupingu, Gumatj, North East Arnhem Land NT.***

## WE WORK TO PROMOTE THE INTERESTS OF:

- Aboriginal tenants
- Boarders, lodgers and other marginal tenants
- Private tenants
- Social housing tenants
- Public housing tenants
- Residents in Land Lease communities (formerly called Residential Parks)

## WE WORK TOWARDS OUR GOALS BY:

- Undertaking strategic litigation to advance the interests of tenants
- Informing and educating tenants
- Supporting TAASs
- Advocating for the reform of policies and laws affecting tenants
- Training Tenant Advocates and other community organisations
- Our three strategic priorities for 2016-2019 are to:
  - Effectively communicate and strategically deploy our organisational identities
  - Build a constituency for change in tenancy law and practice within the context of social justice.
  - Create a strong, viable and sustainable organisation



## **The Tenants' Union of NSW (TU) recognises that Aboriginal and Torres Strait Islander people are the First Peoples of Australia.**

In keeping with the *NSW Aboriginal Land Rights Act 1983*, the TU acknowledges that the land in the State of New South Wales is of spiritual, social, cultural and economic importance to Aboriginal people, the traditional owners of the land. It is fitting to acknowledge the importance which all land in NSW has for the Aboriginal people and the need of the Aboriginal people for the land. The TU acknowledges that as a result of past government decisions, the amount of land set aside for Aboriginal people has been progressively reduced without compensation.

Aboriginal and Torres Strait Islander people are also over-represented in NSW renter households. The TU acknowledges the present and historical disadvantage faced by Aboriginal and Torres Strait Islander people and the role of government policies, past and present, and racism throughout Australia in creating the disadvantage, and the impact of this disadvantage on tenancy and housing issues.

The TU acknowledges that a lack of support for non-tenancy issues such as mental health issues, financial hardship, substance dependence, family violence and disability can often lead to an escalation of tenancy issues and result in tenants receiving termination notices and/or suffering other negative outcomes such as accruing large rent arrears.

### ***Ngurampaa, by Millmullian, 2015***

This painting depicts Wawai the Rainbow Serpent travelling across country creating rivers, streams and waterholes. The animals represent all the different groups of people, their totems and their home country. The lines on the outside represent the different sacred places in each country. The dots in the border represent the eyes of the ancestors that continue to watch over all of country everywhere.

It is upon this history and living culture of today that all homes exist in what is now called "Australia".

*Artwork commissioned by the TU.*

# RECONCILIATION ACTION PLAN

**The Tenants' Union of NSW proudly launched our Reconciliation Action Plan (RAP) on 13th September 2017 – the 10th anniversary of the UN Declaration on the Rights of Indigenous Peoples.**

Inspiring leader and friend of the TU, Uncle Ivan Simon gave a powerful speech to launch the RAP and singer songwriter Leah Flanagan brought stories of her people to life through her music. Uncle Jimmy Smith gave a warm Welcome to Country.

The RAP was developed through consultation with the TU Aboriginal Advisory Committee members, TU staff and Board Members, to whom we are very grateful. The RAP is a guide to ensuring reconciliation with Aboriginal and Torres Strait Islander people is built into all aspects of the TU's work.

The TU believes that a RAP is an important step in recognising history and its current impact on Aboriginal and Torres Strait Islander peoples as well as an opportunity to work for a reconciled Australia.

The RAP will underpin our work to support, resource and enable strong advocacy for Aboriginal housing justice. The RAP will achieve this by putting in place actions and structures that will amplify the voice of Aboriginal and Torres Strait Islander peoples in the housing policy and legal agenda; enable partnerships with Aboriginal and Torres Strait Islander organisations and inform our work for housing justice.

We hope you will join us on this journey.

The TU Reconciliation Action Plan is available at:  
[files.tenants.org.au/about/2017-TU-RAP-final-web.pdf](https://files.tenants.org.au/about/2017-TU-RAP-final-web.pdf)



**Ivan Simon launched the Tenants' Union RAP.**



**Uncle Jimmy Smith gave the Welcome to Country.**



**Leah Flanagan performed at the RAP launch.**



**The TU Reconciliation Action Plan team.**



**As part of the RAP launch, the TU and attendees show their support for the Uluru Statement from the Heart #1VoiceUluru.**

# CHAIRPERSON'S MESSAGE

**The last 12 months has again been significant for the TU and for renters in NSW. The next 12 look as equally interesting!**

The board has thus spent the last 12 months ensuring it is fit for the opportunities and challenges ahead. At our annual board reflection and planning day we formally took the decision to focus on growing and engaging a constituency for change. This has resulted in a number of key actions including the facilitation of the Make Renting Fair campaign to work towards legislative reform for the over two million people who rent in NSW. We feel we are on the right track as 90 organisations across community; faith-based and union sectors have joined us in the call to end unfair evictions. You can learn more about this campaign at [rentingfair.org.au](http://rentingfair.org.au).

Focusing on our governance structure we have reviewed and changed our constitution. The rigorous process included consulting our membership and gaining pro bono advice from Allen and Overy Solicitors, Justice Connect and Jenny Onyx, Professor of Community Management, University of Technology Sydney. After considerable deliberation a proposal was put to the membership who unanimously voted to endorse the new constitution.

The changes adopted included:

- Increasing board terms to two years
- Limiting directors tenure to six years (three terms)
- Enabling limited non-member Directors with specialised skills
- Updating all legislative references
- Clarification of electronic and postal voting to ensure access by regional members

There was no change in our accountability to tenants with 90% of membership mandated as tenants and dedicated tenant positions on the board.



The sustainability of our work has also been a key focus during the year. As the result of planned reduction in Commonwealth funding, Community Legal Centres faced deep cuts. This was compounded by a reduction in one-off grants to the TU. Board and staff participated in implementing both cost cutting and income generating measures. However, we are most indebted to the National Association of Community Legal Centres and others in the legal sector for advocating strongly to have the cuts overturned.

The turning point came when the NSW Attorney General, the Hon. Mark Speakman, MP announced a 'rescue package' for CLCs in NSW. We thank the Attorney General for his leadership and support. We also thank the Commonwealth Attorney General, Senator George Brandis, for maintaining funding.

I am pleased to thank the Law and Justice Foundation who awarded the TU a 50th anniversary grant which will fund work on supporting public housing tenants during the transfer of management to community housing providers.

*“The turning point came when the NSW Attorney General, the Hon. Mark Speakman, MP announced a ‘rescue package’ for CLCs in NSW. We thank the Attorney General for his leadership and support.”*

May I also take this opportunity to thank all funders, donors and partner organisations. I would particularly like to welcome our new supporters – TU Ambassadors – who have pledged to stand beside us in defending renter’s rights and to donate at least \$50 annually.

And of course we could not achieve what is listed in the forthcoming pages without the extraordinary skill and commitment of our staff and volunteers. The quality of their work, creativity and initiative has again shown great results.

I would like to thank my fellow Directors for undertaking the responsibility of guiding the organisation and for providing sound governance. I especially acknowledge Ruth Simon and Jen Rignold who have decided to conclude their time of service with the board – their insights will be missed.

My final thanks go to the clients of the TU who each and every day remind us of why the TU remains needed and who motivate us to Make Renting Fair.



Paula Rix  
**Chairperson**

Fund Equal Justice rally. Photo: Mark Riboldi, sansicarus.com



**The TU joined hundreds of other CLC supporters at the Fund Equal Justice rally in March 2017.**

# EXECUTIVE OFFICER'S MESSAGE

**2017 has been dubbed 'the year of the renter' by Domain. In fact, this is the year where there will be more people in Sydney who don't own property than those who do.<sup>1</sup>**

We continue to be active in working for structural reform to tenancy law. On behalf of the National Association of Tenants Organisations, in a landmark collaboration with Choice and National Shelter, we contributed to the design and distribution of the *Unsettled* report. This saw unprecedented media and political attention shift to tenants' rights during the year. The Make Renting Fair campaign continues to build on this momentum.

We have also been monitoring new laws for residents in Land Lease communities (formerly called residential parks) and made formal submissions and reports to government on the impact and efficacy of these new laws.

Changes in the social housing sector have seen us continue to engage with the Department of Family and Community Services on a range of policy and practice issues to foster better outcomes for tenants.

The TU legal team continue their important public interest litigation. A breakthrough matter (*Lynwood v Coffs Harbour and District Local Aboriginal Land Council 2017*) has resisted the use of no grounds terminations by social housing providers. We have had six matters testing 'change of use' compensation in Land Lease communities and clarified the rights of residents in 26 other matters, strengthening legal coverage. Five thousand social housing tenants will pay less for their water from 2018 thanks to legal and policy advocacy.

Our advice, information and referral services continue to be in demand and were provided on 3,226 occasions. Almost 800 advocates, tenants, lawyers,



community and government workers were trained in tenancy law.

We launched our remodelled website in August which has enjoyed almost 850,000 unique sessions in 12 months. Our online and print publications including blogs, newsletters and e-bulletins, continue to be popular with thousands of subscribers and readers.

Our research work has tracked rents over time and by postcode; monitored Airbnb's effect on rents and documented the impact of precarious legal coverage for share housing tenants.

We launched our Reconciliation Action Plan (RAP) on 13th September – the 10th anniversary of the UN Declaration on the Rights of Indigenous Peoples. The RAP is a guide to ensuring reconciliation with Aboriginal and Torres Strait Islander people is built into all aspects of the TU's work. It is an important step in recognising history and its current impact on Aboriginal and Torres Strait Islander peoples, as well as an opportunity to work for a reconciled Australia.

1. <https://www.domain.com.au/news/forget-the-poor-firsthome-buyer-2017-needs-to-be-the-year-of-the-renter-20161211-gt8v5t/>

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All of these achievements are only possible with the commitment, hard work and collaboration of a wonderful team of staff, volunteers and supporters. I am enormously grateful that I get to work with such a team.

We say special thanks to Melisa Coveney and Glyn Mather who assisted us with contract and locum positions this year. We couldn't have done it without you.

The TU is fortunate indeed to have a highly skilled, committed board with a depth of experience. A big thank you to all and especially to Paula Rix and Char Jones who will be stepping down as Chair and Treasurer respectively in November. Paula and Char have provided accessible and strategic leadership to the TU as well as being of great personal support.

We look forward to making renting fair in 2018.

*Julie Foreman*

Julie Foreman  
**Executive Officer**

***“Our advice, information and referral services continue to be in demand and were provided on 3,226 occasions. Almost 800 advocates, tenants, lawyers, community and government workers were trained in tenancy law. We launched our remodelled website in August which has enjoyed almost 850,000 unique sessions in 12 months.”***



***Julie Foreman presenting a voucher to the winner of the guessing competition held on the TU stall at the Sydney Lord Mayor's welcome to international students.***

# ACKNOWLEDGEMENTS

**The TU thanks its many supporters, donors and community partners who contribute to make our work possible.**

We acknowledge the crucial and unstinting work of our colleagues in the Tenants Advice and Advocacy Services who continue to provide frontline advice and advocacy to tenants in NSW, even though their funding continues to shrink in real terms. Our work in law and policy reform and resource development is dependent on their experience and insight.

Our colleagues in Dtarawarra, the Aboriginal Resource Unit, continue to give us valuable guidance in our work with Aboriginal and Torres Strait Islander tenants and services.

We particularly acknowledge the funding provided by the NSW State Government, the Commonwealth Government and the Law and Justice Foundation. We also recognise the continued support of Community Legal Centres NSW and the National Association of Community Legal Centres.

We value our members who continue to support our work and contribute their knowledge and experiences.

Finally, we acknowledge and thank the many individuals and partner organisations who have provided advice, support, expertise and labour over the past year.

## OUR VOLUNTEERS

### Advice Line

- Isolde Daniell
- David Hu
- Soorim Cha
- Patricia Navea
- Ariana Popovic
- Craig Lyons
- Pedram Mohseni
- Parisa Hart
- Tina Papa-Case
- Merrilyn Kennedy
- Marlene Hu



**TU volunteers (left to right) Tina Papa-Case, James Keech, Merrilyn Kennedy, and Marlene Hu.**



**Volunteers and staff operating the Tenants' Union Advice Line.**

### Administration

- Carol Barr
- Vivian Clifton

### Practical Legal Training Placements

- James Keech
- Daniela Marchetta

## STANDING ADVISORY GROUPS

### Aboriginal Advisory Committee

- Jim Allen, Murra Mia, Southern NSW Aboriginal TAAS
- Zachary Armytage, Community Legal Centres NSW
- Michelle Craig, Dtarawarra
- Danielle Hobday, Public Interest Advocacy Centre
- Terry Kapeen, Northern NSW Aboriginal TAAS

- Scott Hawkins, Legal Aid NSW
- Emma Langton, Solicitor, Aboriginal Services Branch, Legal Aid NSW
- Ruth Simon, Dtarawarra
- Charmaine Weldon, Redfern Legal Centre
- Stephen Fields, Greater Sydney Aboriginal TAAS

### Residential Parks Forum

- Graham Byrne
- Jill Edmonds
- Amanda Elgazzar
- Dianna Evans
- Ian Finlayson
- Tom George
- Sandy Gilbert
- Nicole Grgas
- Len Hogg
- Ron Kerr
- Douglas Lee
- John MacKenzie
- Ron McLachlan
- Pam Meatheringham
- Rod Nicoll
- Margaret Nicoll
- Jock Plimmer
- Mary Preston
- Franya Repolusk
- Noleen Robinson
- Don Rose
- Barry Sanders
- Tara Steers
- Trevor Sullivan

### CERTIFICATE IV IN COMMUNITY SERVICES ASSESSORS

- Julie Lee
- Julie Foreman
- Patrycja Arvidssen
- Chris Maybin (South West NSW Tenants' Advice and Advocacy Service)
- Sidonie Gnauck (Central Coast TAAS)
- Eloise Parrab (Inner West TAAS)
- Brett Webb (Northern NSW Aboriginal TAAS)
- Sarah Drury (Northern Rivers TAAS)
- Linda Grady (New England and Western NSW TAAS)

### INDIVIDUALS

- Allan Anforth
- Lyn Bullman
- Laura Coleman, Newtown Neighbourhood Centre
- Sue Cripps, SC Consulting Group
- Maggie Dalton
- Mauro Di Nicola
- Benjamin Dougall, Legal Aid
- David Evans
- Leah Flanagan
- Barney Gardiner
- Anna Hartee
- Julian Morrow and *The Checkout* team
- Michele Kearns
- Professor Keith Jacobs
- Michelle Jones
- Jane Kenny
- Lady Sings It Better
- Bronwyn McCutcheon, Legal Aid
- Savi Manii, Justice Connect
- Dr. Chris Martin, City Futures
- Associate Professor Alan Morris, UTS
- Zoe Norton Lodge
- Dr Emma Power, Western Sydney Uni
- Dr. Dallas Rogers, University of Sydney
- Philippa Scarf, Legal Information Access Centre
- Robyn Stafford
- Ruby Steele, Legal Aid
- Rod Stowe, Fair Trading Commissioner
- Alvian Tan
- Kathy Townsend, Fair Trading
- Lorraine De Vere
- Lee Watson, Fair Trading
- Matthew Whitton, Fair Trading
- Ross Nicholas, Costs Plus Pty Ltd
- Jeremy Rutledge Assett Advisory
- Philip Wykeham, Legal Aid
- Michael Snape, Legal Aid
- Sarah Wilson
- Chris Hartley
- Stafford Sanders
- Julia Murray
- Mark Riboldi
- Mary Karras
- Erin Watt
- Penny Howard
- Claire Gerson
- Richard Bailey
- Mari Vagg

# ACKNOWLEDGEMENTS

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## BARRISTERS

- Bret Walker SC, Fifth Floor St James' Hall Chambers
- Andrew Tokley SC, 5 Wentworth Chambers
- Mark Seymour, Martin Place Chambers
- Paul Batley, Frederick Jordan Chambers
- Alexander Flecknoe-Brown, 6 St James Hall Chambers
- Sam Hallahan, 5 Wentworth Chambers
- Caroline Dobraszczyk, Trust Chambers
- Michelle McMahon, 6 St James Hall Chambers

## ORGANISATIONS

- Armidale City Bowling Club
- Australian Progress
- Combined Pensioners and Superannuants Association
- Community and Public Sector Union
- The Federation of Community Housing Providers
- Department of Family and Community Services
- Friends of Millers Point
- Homelessness NSW
- Housing for the Aged Action Group Inc.
- Legal Information Access Centre
- Law Access
- Multicultural Disability Advocacy Association
- Metropolitan Local Aboriginal Lands Council
- National Centre for Indigenous Excellence
- NCOSS
- Aboriginal Housing Office
- Newtown Neighbourhood Centre
- Older Women's Housing and Homelessness Group
- The Catering Specialists
- The Public Interest Advocacy Centre
- Shelter NSW
- State Library of NSW

- Streetcare
- Sydney of City Council
- WEAVE
- NSW Community Services and Health Industry Training Advisory Board
- College of Law
- National Association of Community Legal Centres

## TU AMBASSADORS (until June 2017)

This year we initiated a donor program of TU Ambassadors. These are individuals who support the work of the Tenants' Union to defend tenants rights and have donated \$50 or more within 12 months.

- Dean Curotta
- Ruth De Costa
- Jill Edmonds
- Carl Freer
- Alan Horner
- Lyndall Katz
- Maggie Kyle
- Luke Koller
- Anne Lynch
- Emma McGuire
- Derek Mitchell
- David Moon
- Richard OKeefe
- Barry Sanders
- John Sevenoaks
- Judith Singer
- Karun Sridha
- Helen Taranto
- David Turner
- Diane Willis
- Anthony Ziebell

## PRO BONO SUPPORT

We also acknowledge the pro bono support we have received throughout the year from:

- Gilbert and Tobin
- Allen and Overy Lawyers
- Salli Browning, Workplace Mediation Pathways
- Professor Jenny Onyx, UTS School of Business

# WHAT PEOPLE SAY ABOUT THE TU

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**“Amazing people ready to assist you to solve your tenancy issues. I attended the last course for tenancy advocates and I am now more impressed with them and how committed they are to the community! If you need help do not hesitate to contact them!”**

*– Tatiana, on Facebook*

**“We once had a claim form altered from our ‘nil’ to \$800 by the real estate staff after we’d handed it in to them. Only way we knew was when the cheque for \$80 came and I rang the bond board to say there’d been a mistake. Thankfully we won at the Tribunal and had all our bond returned, but sheesh, those guys are one of the biggest agents in town, and the individual who managed our property was the proprietor’s son. Still so glad we had the time and the smarts to fight it – and the support of Tenant’s Union.”**

*– Facebook comment*

**“Just knowing you are there gives me peace of mind.”**

*– Survey respondent*

**“I like to feel safe when renting and it is good to know TU is there!”**

*– Survey respondent*

**“The Brown Couch is a quick, timely and entertaining way to stay up to date with housing policy issues.”**

*– Survey respondent*

**“Thank you, you provide a timely, equitable and valuable service.”**

*– Donor comment on Givenow*

**“The rights of all people are critically important and we must not forget what tenants have to endure.”**

*– Donor comment on Givenow*

**“Tenants represent a key part of our economy. Keep up the good work.”**

*– Donor comment on Givenow*

# BOARD AND STAFF

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## BOARD

**Jessica Abi-Khattar** (until Feb 2017)  
– Solicitor, Legal Aid NSW

**Donna Brotherson**  
– Tenant Participation Worker, Illawarra Forum

**Julie Davis**  
– Communications and Policy Officer, Financial Rights Legal Centre

**Nicole Grgas**  
– Coordinator, Hunter Tenants Advice and Advocacy Service

**Charmaine Jones**  
– Director, Inner Sydney Regional Council for Social Development

**Aideen McGarrigle**  
– Solicitor specialising in legal ethics, Legal Aid NSW

**Meredith Osborne** (until Nov 2016)  
– Senior Project Officer, Civil Law, Legal Aid NSW

**Jennifer Rignold**  
– Public Housing resident and volunteer

**Ruth Simon** (from Feb 2017)  
– Director, Dtarawarra Aboriginal Resource Unit for the Aboriginal Tenants Advice and Advocacy Services

**Lisa Smaljov**  
– Community Development Coordinator, Rozelle Neighbourhood Centre

**Paula Rix**  
– Retired Senior Policy Officer, Shelter NSW

**Charmaine Weldon** (until Nov 2016)  
– Court Assistance Scheme, Redfern Legal Centre

## STAFF

**Julie Foreman**  
– Executive Officer

### Administration

**Martin Bangs**  
– Finance Manager

**Anne Coates**  
– Administration Officer

**Amy Davis**  
– Administration Assistant

**Glyn Mather**  
– 40th Anniversary Project Officer, until Sept 2016

### Legal

**Grant Arbuthnot**  
– Principal Legal Officer

**Melisa Coveney**  
– Aboriginal Legal Officer (locum), until Oct 2016

**Jessica Hall**  
– Legal Officer, Aboriginal Support, from May 2017

**John Mewburn**  
– Aboriginal Paralegal

**Paul Smyth**  
– Residential Parks Legal Officer

**Cass Wong**  
– Litigation Solicitor

### Policy

**Ned Cutchner**  
– Senior Policy Officer

**Jemima Mowbray**  
– Policy and Campaigns Officer

**Dr Robert Mowbray**  
– Project Officer, Older Tenants

**Leo Patterson Ross**  
– Advocacy and Research Officer

### Education and Resources

**Patrycja Arvidssen**  
– Learning and Development Coordinator

**Anushke Guneratne**  
– Strategic Technology Officer

**Jeremy Kerbel**  
– Resource Development Officer

**Rafael Mazzoldi**  
– Resource Development Officer

**Paul van Reyk**  
– Senior Resources and Project Officer

### Residential Parks

**Julie Lee**  
– Residential Parks Project Officer



***TU Board, from top left: Donna Brotherson, Julia Davis, Nicole Grgas, Charmaine Jones, Aideen McGarrigle, Meredith Osborne, Jennifer Rignold, Ruth Simon, Lisa Smaljov, Paula Rix.***



***TU staff, from top left: Julie Foreman, Martin Bangs, Anne Coates, Amy Davis, Glyn Mather, Grant Arbuthnot, Melisa Coveney, Jessica Hall, John Mewburn, Paul Smyth, Cass Wong, Ned Cutcher, Jemima Mowbray, Robert Mowbray, Leo Patterson Ross, Patrycja Arvidssen, Anushke Guneratne, Jeremy Kerbel, Paul van Reyk, Julie Lee.***

# OBJECTIVE 1

**Objective 1: To maintain and enhance the level and quality of information, advice and representation on tenancy law matters to tenants, both directly and through our support of Tenants' Advice and Advocacy Services (TAASs).**

## HIGH QUALITY LEGAL ADVICE AND ASSISTANCE PROVIDED TO TAASs

High quality legal advice and assistance is provided and sustained through direct advice, appropriate legal management and compliance, and professional development of the legal team.

### Direct Advice

We provided 640 advices this year to TAASs.

The most common areas for advice to TAASs continue to be:

- Notices of termination
- Rent subsidy calculations, particularly for Aboriginal TAASs
- Community rules, sub-letting, utilities and park owner conduct in Land Lease communities (formerly called Residential Parks)
- NSW Civil and Administrative Tribunal (NCAT) matters.

We continue to provide assistance to the Aboriginal TAASs including the drafting of appeal applications, assisting with applications to have NCAT decisions set aside, and providing advice and ongoing assistance in relation to strike notices received by FACS Housing tenants under December 2015 amendments to the *Residential Tenancies Act 2010*.

We provided an additional 61 advices to non-TAAP community organisations, resident associations, Community Legal Centre solicitors, and Legal Aid NSW.

### Legal practice management and compliance

We successfully completed the Professional Indemnity Insurance cross check in December 2016 and have been

accredited for a further three years under the National Accreditation Scheme for Community Legal Centres: Phase Two. The legal practice continues to be covered under the NACLCL national insurance scheme. Regular legal practice meetings, which include case review, and individual supervision provide quality assurance and continued improvement within the legal practice.

### Up-to-date training for solicitors

Our solicitors continue to undertake professional development. Areas covered this year included:

- Discrimination Law
- Ethics
- National Tenancy Law
- Professional Indemnity Insurance (PII)
- Practice Management

We regularly liaise with the housing team at Legal Aid to facilitate information sharing and strategic litigation and developed a referral protocol regarding their new NCAT Appeals Service.

## HIGH QUALITY LEGAL ADVICE AND ASSISTANCE PROVIDED DIRECTLY TO TENANTS

We run a Monday Tenants' Advice Line and two daily hotlines dedicated to boarding house residents and people in custody, and conduct strategic litigation.

### Tenant's Advice Line

We continue to operate a Tenant's Advice Line on Mondays with the assistance of a pool of volunteers. We provided advice or referral to 1,035 callers, about the same as in 2015-2016. The Advice Line keeps our legal and policy staff up to date on issues affecting tenants and provides an opportunity for volunteers to increase

# OBJECTIVE 1

their knowledge and skill in dealing with tenancy matters. The Advice Line can also flag emerging systemic issues that require investigation and action.

We also provided information and referral on 1,108 occasions outside of Advice Line hours, a slight decrease on 2015-2016. However, we responded to 382 inquiries through our social media platforms, an increase of 34 percent on 2015-2016, the second year in succession that we have had an increase of this size, which suggests that this is becoming a significant avenue for seeking advice.

*The TU provided advice, information or referral to 3,226 tenants, Tenants' Advice and Advocacy Services, government organisations and non-government organisations.*

## Strategic litigation cases – highlights

### ***Lynwood v Coffs Harbour and District Local Aboriginal Land Council [2017] NSWSC 424 (19 April 2017)***

This matter is important because it resists use of no grounds termination by social housing providers.

Ms Lynwood and some other tenants of the Local Aboriginal Land Council received 'no grounds' termination notices. At the Tribunal they defended themselves based on a new provision of the *Residential Tenancies Act 2010*. They were represented by an advocate from the Northern NSW Aboriginal Tenants Service, who presented argument developed by the TU and Counsel.

The 2015 "Antisocial Behaviour" amendments to the Act included changes regarding the Tribunal's considerations for termination of social housing tenancies.

Whether the factors listed in s154E must be considered for s85 (no grounds) terminations was first considered by the Tribunal (in November 2016) and answered in the negative. Then the Tribunal Appeal Panel (in March 2017) came to the same conclusion.

The Supreme Court however did not agree and therefore the Tribunal must consider the s154E factors in deciding whether to terminate a social housing tenancy under s85. By necessary implication, the Tribunal has discretion to not evict social housing tenants under s85 (which otherwise says the Tribunal "must" terminate the tenancy).

This matter is now on appeal to the NSW Court of Appeal.



### ***Hastings Point Holiday Park***

These matters (6) are important because they may set the tone for future 'change of use' compensation disputes in Land Lease communities (residential parks). Compensation when the dwelling is not for removal is covered by s141 of the *Residential (Land Lease) Communities Act 2013*. It was not covered by the prior legislation.

The Hastings Point Holiday Park is being redeveloped. Therefore the

***TU Residential Parks Legal Officer Paul Smyth (centre) with Hastings Point residents Beryl Anderson (left) and Judy Tucker (right) at the final Tribunal hearing.***

# OBJECTIVE 1

resident homeowners must leave. What compensation they shall receive has been in dispute since 2012.

These matters have been variously argued in the Tribunal (thrice), its Appeal Panel (once) the Land & Environment Court (once), the Supreme Court (once) and the Court of Appeal (once), plus compulsory mediation.

By the end of April 2017 all but two matters had settled. The final hearing (we hope) was in the Tribunal in May 2017. The decisions are reserved.

## ***Tweed River Hacienda Holiday Park***

These matters (26) concern whether residents' site agreements are covered by the:

- *Residential (Land Lease Communities) Act 2013 (RLLC Act)* or the
- *Holiday Parks (Long-term Casual) Occupation Act 2002.*

The residents' rights are more secure under the former.

The dispute first arose over site fee increases. The (mostly elderly) residents sought Tribunal orders in the RLLC Act jurisdiction and obtained them. The park operator then appealed the decisions to the Tribunal Appeal Panel.

The Appeal Panel allowed the appeals and sent the matters back to the Tribunal to be re-decided. The matters were then part-heard when further negotiation resulted in 15 matters being resolved by consent orders, to the satisfaction of the residents. Two matters did not continue. Five matters remained to be reheard. They were to be reheard in March 2017. However, those matters also settled to the satisfaction of the residents.

The TU's prior Court of Appeal success in *Bennett v Gennacker Pty Ltd* (April 2016), on the same question of jurisdiction, was instrumental in negotiating satisfactory settlements for the residents.



## ***Structural advocacy – water charging in public housing***

Two individual client matters developed into a collaboration with tenant groups in Southwest Sydney. FACS Housing policy says that tenants pay only for water that they use if their premises are individually metered. However, this has not been the case for thousands of tenants.

Minto Residents Action Group (MRAG) became aware that tenants in newly built multi-unit buildings were being charged for water as a percentage of their rent despite each unit having its own water meter. The rent percentage system is supposed to be for premises without individual meters. The problem, it turns out, is that the NSW Land and Housing Corporation (L&HC) holds only one water account for each building and so billing is of the whole building despite hundreds of water meters for the units.

MRAG and the TU then collaborated in advocating to change the practice, so that water billing reflects the policy. In December 2016, the TU received a letter from the L&HC confirming that Sydney Water will be creating individual accounts for over 5,000 units and so allowing tenants to pay for water used according to the meter readings. Further, Sydney Water has committed to creating individual accounts for all new social housing properties with individual meters.

***Jen and Lorraine, tenants from Bradbury, said "Six years working together and persistence equals a positive result in the battle to be charged fairly for our water."***

# OBJECTIVE 1

## **Commonwealth Rent Assistance issues**

Our client is a tenant of the Aboriginal Housing Office (AHO). FACS Housing manages tenancies for the AHO, including estimating tenants' Commonwealth Rent Assistance (CRA) entitlements. CRA amounts are subtracted from the tenants rent rebates. In theory the CRA subtracted equals the CRA paid by Centrelink and the tenants are not worse off for their payable rent increasing.

The processes of Centrelink and FACS are complex and interact in complex ways. When they go wrong both agencies put the onus on the client to solve the problem/s by separate and different review processes in each agency.

Our client's rent account has suffered from mismatched amounts calculated by Centrelink and FACS. This situation has resulted in FACS seeking eviction from time to time since 2009. Various reviews have been undertaken with various degrees of success. However, an explanation of the problems has not been obtained.

Presently, the Housing Appeals Committee (HAC) will consider what recommendations can be made after a hearing later in 2017. Eviction proceedings are not being taken pending the HAC recommendations.

## **Advice to people in custody**

Research clearly demonstrates that having housing available when leaving custody significantly reduces recidivism. Our solicitors are available for transfer of calls from Law Access and the Prisoners Legal Service five days per week in order to improve opportunities for timely advice on renting matters for people in custody. This work is supported by a strong relationship with the Women in Prisons Advocacy Network (WIPAN), the Community Restorative Centre (CRC) and Legal Aid.

## **HIGH QUALITY EDUCATION**

### **Training for Tenant Advocates and community workers**

We trained 222 Tenant Advocates and volunteers in 2016-2017. Regional and Koori advocates continue to access our training in significant numbers. Our annual training needs analysis helped us to fine tune the courses presented.



Course duration ranged from half a day to three days and included:

- Tenancy Advice and Advocacy (three instances)
- Introduction to NSW Civil and Administrative Tribunal (NCAT)
- NCAT – Formal hearings
- NCAT – Appeals
- Tenancy and Criminal Law
- Consumer Claims and Tenancy
- Understanding the New Residential Parks Legislation
- The Boarding Houses Act
- Social Housing
- Community Education
- Hoarding
- Finding the Facts – using on-line resources in tenancy advocacy (online)
- Researching the Rules – using on-line resources in tenancy research (online)
- The TAAP Database (both online and face to face with individual services)
- Aboriginal Cultural Awareness

**Grant Arbuthnot (TU Principal Legal Officer), with Cass Wong (TU Litigation Solicitor) and Paul Smyth (TU Residential Parks Officer), delivering a session to Tenant Advocates at the TAAS Network meeting in March 2017.**

# OBJECTIVE 1

We restructured our Tenant Advocate training to assist TAAS Coordinators and advocates plan their professional development clearly and comprehensively. The 'Tenant Advocates: Core Training Program' is designed to skill advocates in carrying out their roles from providing advice through to conducting hearings at NCAT. There are seven modules in the Program of increasing complexity.



**Paul van Reyk (TU Senior Resources Officer) at an International Education Providers Forum in 2017.**

We continue to provide training to non-TAAP services, recognising that workers in many other community services are often a first point of contact for tenants having difficulties. In all, 290 workers were trained across Legal Aid, other Community Legal Centres, Sydney University Postgraduate Representative Association (SUPRA), Fair Trading NSW, Hume Community Housing, volunteer lawyers, Specialist Homeless Services, Homeless Persons Legal Service, Mission Australia, Settlement Services International and Newtown Neighbourhood Centre.

We were very pleased this year to provide community education to 285 tenants through:

- 'Introduction to Renting in NSW' – a special course targeted to TU members.
- A panel presentation on the Waterloo redevelopment.

- A series of presentations on the transfer of management of social housing stock from Housing NSW to Community Housing Providers, delivered in conjunction with Shelter NSW, FACS Housing and the Federation of Community Housing Associations.

We also participated in Sydney Lord Mayor's welcome to international students studying and living in the greater Sydney area attended by 800 people. The TU stall was very well patronised with students particularly interested in our material on share housing.

## Compliance with requirements as a Registered Training Organisation

A major task this year for our Learning and Development Coordinator was transitioning CHC41012 Certificate IV in Community Services Advocacy students to the new version of the qualification – CHC42015 Certificate IV in Community Services. We had seven students from the TAASs enrolled in the latter.

Our training and assessment continues to meet Registered Training Organisation (RTO) standards. We also met our mandatory reporting requirements promptly. As the year ended, our TAAP assessors began working towards upgrading their vocational competencies.

## ACCURATE AND ACCESSIBLE MATERIALS PRODUCED ON TENANCY LAW AND RELATED MATTERS

In August 2016 we launched our redesigned website, [tenants.org.au](http://tenants.org.au) making it even easier for tenants to access up-to-date information on their rights and responsibilities with over 30 factsheets, nearly 50 sample letters, and dozens of additional resources. We were pleased to see this result in 841,015 sessions, an

# OBJECTIVE 1

increase of 13 percent over 2015-2016. The factsheets were downloaded or viewed 848,383 times, an increase of 5 percent over 2015-2016.

The most popular factsheets were *Landlord ends agreement, You want to leave, Repairs and maintenance, Bond, Residential Tenancies Act, Ending tenancy early, Access and privacy, Sale of rented premises, Starting a tenancy*, and *Rent increases*. It is interesting to note that these were also the most popular in 2015-2016.

The number of subscribers to our Tenants' Union e-bulletin continues to grow, increasing from 1,304 in 2015-2016 to 1,904 in 2016-2017, an increase of almost 50 percent. This is in keeping with the observed trend for individuals and organisations to engage increasingly with more regular digital information platforms. Bulletin topics included the past and future of renters rights, housing affordability, renter security, pets, the #RentinOz debate, the removal of social housing tenants from Millers Point, storm damage, hoarding, Airbnb and the State and Federal Budgets.

The online *Tenants Rights Manual*, hosted by the State Library of New South Wales, recorded 144,524 page views, an increase of 61 percent on 2015-2016.

The Legal Information Access Centre of the Library continues to partner with us in distributing print resources to libraries across the State. Our Executive Officer was also reconfirmed as a Board Member.

Our social media pages continue to grow, with 3,698 likes on the main TU Facebook page, increasing by 1,439 over the financial year. Our Twitter account had 1,765 followers at end of June 2017.

On the Brown Couch Blog, we posted 78 times and saw 13,437 unique visits in 2016-2017.

The 'Clearing house', a blog covering renewal of public housing estates grew to an average of 1,216 page-views a month. We posted 20 times on the blog in 2016-2017.



We published the second online edition of *Rent Tracker* in January, which received initial press coverage including print, radio and television. The data and analysis it contains has also begun to appear and be referred to by journalists without proactive approaches from the TU. *Rent Tracker* had 876 page-views with 42 percent of visitors continuing to other pages on the site.

The TU published two issues of our printed magazine *Tenant News*. The first was focused on the TU's 40th Anniversary. The second was a special edition on energy and climate and included articles on power saving, energy efficiency in community housing, electricity in land lease communities, solar power and tenants, community-owned renewable energy, climate policy in NSW, and water metering.

**There were over 841,000 sessions on [tenants.org.au](http://tenants.org.au) in 2016-2017 – an increase of 13% since its redesign.**



# OBJECTIVE 1

Our legal and policy staff reviewed and provided input to two legal publications: Allan Anforth et al's *Residential Tenancies Law and Practice New South Wales*, 7th Edition and the *Law Handbook* 14th Edition.

We developed a new factsheet on 'Public Housing Management Transfers'.

## Land Lease community publications

We published four issues of *Outasite Lite*, our e-publication for land lease community home owners reaching 1,100 subscribers. Issues covered include site fee increases, electricity charges, operator conduct and agreements and contracts in land lease communities.

We published one issue of *Outasite*, our print publication for land lease community home owners. 4,500 copies were distributed to subscribers all over NSW.

Our website [thenoticeboard.org.au](http://thenoticeboard.org.au) hosts our resources for land lease community residents and we have updated all 20 of our factsheets directed at home owners and tenants.

## PROGRAM SUPPORT FOR TAASs

### Liaison on behalf of TAASs with Fair Trading and others

The TU meet with Shane Mallard, MLC, John Graham MLC, Minister Kean, Minister Dominello and the Fair Trading Deputy Commissioner to raise the severe underfunding of TAASs in NSW.

Our submissions to the Department of Justice Civil Law Strategy and NSW Homelessness Discussion Paper included a discrete section on the role and funding of TAASs. We also presented to the Rental Bond Board on the role and funding of TAASs.

We met with Director of Complaints at Fair Trading to facilitate practical ongoing referrals and liaison with TAASs. This resulted in a documented protocol.



## TAAP database

The new TAAP database has been in operation for 15 months. We continue to analyse the quarterly data from the TAASs and provide them and Fair Trading with a six monthly report on data and trends. We also continue to log technical problems TAASs experience, as well as requests for amendments and additions to database functionality. We refer problems to the database manager Community Data Solutions and also provide them with a list of possible improvements based on priorities from the TAAS network.

Our Strategic Information Technology Officer also continues to provide on-going day to day support to individual TAASs.

## TAAS Network Meetings

Three Network Meetings were held in 2016 – 2017, with Armidale being the site for the regional meeting. These Meetings continue to be highly valued by TAASs for their mix of updates on legal and tenancy issues, improving working with clients, policy and law reform development and the chance for informal networking.

In the area of legal and tenancy matters, topics covered included:

- Family and Community Services, Housing – products & eligibility and

**Julie Foreman (TU Executive Officer), Ned Cutcher (Senior Policy Officer), Matt Kean (Minister for Innovation and Better Regulation), and Ruth Simon (TU Board member and Director of Dtarawarra) at a meeting to introduce the then new Minister to the work of TAASs.**

# OBJECTIVE 1



**TU staff and Tenant Advocates at the TAAS Network Meeting, in July 2017, held at the National Centre for Indigenous Excellence in Redfern.**

repairs & maintenance contracts.

- NCAT appeals
- Illegal lockouts
- Strata Law changes
- Aboriginal Housing Office operations
- Legal Aid appeals service
- No grounds terminations in social housing

In the area of improving working with clients, sessions included:

- Case management – linking services
- Mediators perspective on Community Justice Centres
- Duty advocacy
- How different TAASs structure their service provision.

Included in the area of policy and law reform were:

- Review of the *Residential Tenancies Act 2010*
- Review of the *Boarding Houses Act 2012*

Sessions also covered communication and collaboration across the network and training on the TAAP database.

## Service Visits

While a constant part of our work is responding to specific requests for assistance from TAASs – back-up advice, help with the TAAP database, information when services are meeting with local MPs and so on – the TU has a policy of proactively visiting each TAAS at least once every two years. These visits are vital for the TU to gain feedback on tenancy issues at the local level that feed into our work in developing whole-of-State approaches to policy and law reform. They also give our staff the opportunity to meet with workers who may not have recently attended the TAAS Network Meetings.



**TU staff visited Murra Mia Aboriginal Tenants' Advice and Advocacy Service in Batemans Bay in August 2017.**

# OBJECTIVE 2

**Objective 2: To have a positive impact on public opinion, policies and practices affecting tenants in NSW.**



## HIGH QUALITY RESEARCH, POLICY DEVELOPMENT AND ADVOCACY ON TENANTS' NEEDS

Our research, policy development and advocacy work continues to be both proactive and responsive covering a wide range of tenancy issues including:

- Fair renting laws
- Rental affordability
- Land Lease Communities
- Changes in the Social Housing sector
- Older tenants
- Marginal renters

### Fair renting laws

We have continued to highlight the need for stronger legal protections for renters, and advocate for fairer renting laws to provide renters with stability and affordability in their homes.

On behalf of the National Association of Tenants Organisations, in a landmark collaboration with Choice and National

Shelter, we contributed to the design and distribution of the *Unsettled* report. This saw unprecedented media and political attention shift to tenants' rights during the year.

The NSW Government, Opposition and other parties sought our feedback and input in developing responses to the statutory review of the *Residential Tenancies Act 2010*.

Along with 90 community organisations, trade unions and faith-based groups we established a coalition to Make Renting Fair. The campaign has drawn significant interest and attention from media and decision-makers.

We contributed to discussions with the NSW Office of Environment and Heritage regarding barriers to installation and use of energy efficient devices in rented homes.

We developed and published a guide to renting with pets.

We provided expert advice to the ABC program *The Checkout* which developed an educational segment on renting laws.

***TU staff with tenants and community, showing support for the Make Renting Fair campaign, at a Neighbourhood Advisory Board open day in Redfern.***

# OBJECTIVE 2

## Rental affordability

Housing affordability was a feature of both Federal and State Budgets during the year, and we contributed to the discussion through media and other channels. Our focus was on the implications of unaffordable housing for renters in the private rental market.

We continued to publish our *Rent Tracker* series which brings multiple sources of information together to give tenants, journalists and decision-makers a clear and easy way to understand rent movements in New South Wales.

We also produced a report on the impact of Airbnb in three Sydney hot-spots.

## Land Lease Communities

The Tenants' Union works with resident representatives, Tenant Advocates, solicitors and other organisations to try to improve the rights of community residents. Our Residential Parks Forum met four times and after introducing new Terms of Reference we welcomed new members.

We have been monitoring new laws for 'Land Lease Communities', formerly known as Residential Parks. This has included formal submissions and reports to Government on the impact and efficacy of these new laws in their first year of operation.

We also convened the Parks Legal Working Group which met twice to undertake a detailed analysis of the operation of the *Residential (Land Lease) Communities Act 2013* and the impact it is having on home owners. This analysis will be used to advocate for positive change.

## Changes in the Social Housing Sector

We have continued to engage with the social housing sector including Family and Community Services, the NSW Land & Housing Corporation, the NSW Federation of Housing Associations, the Registrar of Community Housing and a number of

Community Housing Providers, as a range of measures arising from the Future Directions strategy are considered for implementation.

We made submissions to the Independent Pricing and Regulatory Tribunal's review of rent setting models in social and affordable housing, and participated in round table discussions with the Productivity Commission in its similar inquiry into "Consumer Choice and Competition in Human Services".

We liaised with colleagues across the sector to discuss and raise concerns about proposed rental bonds for public housing tenancies.

We contributed to discussion and facilitated meetings of public and community housing tenants in areas where the management of public housing tenancies is to be transferred to the community housing sector.



***The TU helped to facilitate a series of meetings of public and community housing tenants in areas where management is going to be transferred to the community housing sector. Pictured is the Coffs Harbour meeting.***

We have continued to liaise with and advocate for tenants and communities facing displacement through social housing sell-off and renewal projects, including Millers Point and The Rocks, Redfern and Waterloo, and the Ivanhoe Estate.

# OBJECTIVE 2



***The TU played a key role in a Parliamentary Briefing hosted by MPs Jenny Leong, David Mehan and Alex Greenwich, in September 2017. Around a dozen MPs or their representatives attended and heard from Make Renting Fair campaign supporters.***

## Influencing key decisions makers

During the year we have had productive discussions with the following decision makers:

- The Hon. Matt Kean MP, Minister for Innovation and Better Regulation
- The Hon. Pru Goward MP, Minister for Family and Community Services and Social Housing
- The Hon. Victor Dominello MP, in his previous capacity as Minister for Innovation and Better Regulation
- The Hon. Brad Hazzard MP, in his previous capacity as Minister for Family and Community Services and Social Housing
- Office of the Hon. Anthony Roberts MP, Minister for Planning and Housing
- Yasmin Catley MP, Shadow Minister for Innovation and Better Regulation
- Jenny Leong MP, NSW Greens housing spokesperson
- Shayne Mallard MLC
- John Graham MLC
- Michael Sukkar, Assistant to the

- Treasurer on Housing Affordability
- Office of Zed Seselja, Assistant Minister for Social Services
- Senator Doug Cameron, Shadow Minister for Housing and Homelessness
- Senator Lee Rhiannon, Australian Greens Housing and Homelessness spokesperson
- Andrew Gavrialatos, in his capacity as Deputy Commissioner for NSW Fair Trading (now Acting Commissioner)

We have also had productive conversations on a range of matters with representatives of Family and Community Services, the NSW Land & Housing Corporation, NSW Regulatory Policy, Fair Trading NSW and the NSW Civil and Administrative Tribunal.

## Media engagements

As interest in issues that are the focus of our work increases, the TU is sought out for comment and our media engagement continues to grow. On average we were in the media once a week over the last year. Highlights include:

- 1 opinion piece
- 16 live to air and 6 recorded radio interviews
- 2 live and 9 recorded television interviews
- Quoted in 45 print media articles
- Plus a number of media briefings

Topics covered included:

- The growing population of renters in Australia
- The need for tenancy law reform
- Housing affordability, especially for renters
- Renting in strata
- Land lease communities and issues with the new laws
- Minimum standards in rental housing
- The impact of short-term holiday letting on rental markets

We continue to enjoy a high level of engagement on our policy blog and social media platforms.

# OBJECTIVE 2

## Relationships with tenants and non-government organisations on strategic advocacy

We participated in a number of strategic ongoing and one-off events to consult, inform and advocate. These included:

- Forum of non-government agencies (FONGA)
- Energy and Water Consumer Advocacy Reference Group
- Housing and Homelessness Alliance
- Groundswell: Alliance of community organisations working with tenants on the impact of social housing renewal in Waterloo
- Sydney Alliance assemblies
- Homelessness NSW's "Debt, Set, Unfair" working group
- Millers Point Estates Advisory Board
- CLC NSW sector development group
- Ageing on The Edge Older Persons Homelessness Prevention Project , NSW Reference Group
- National Tenancy Organisations Network meeting

With Shelter NSW and the City Futures Research Centre at the University of NSW, we have been working to create a 'compact' between tenants and social housing providers on the way to engage tenants in redevelopment projects. Focus groups were held with tenants from eight estates and a roundtable discussion was held with community organisations which identified draft principles and ways of working with tenants. We have taken this forward through meetings with the Secretary of FACS and the NSW Federation of Housing Associations; and from this will negotiate a final compact.

Our views continue to be sought by academics including:

- Dr Emma Power, Senior Research Fellow (Western Sydney University) on single older women's housing options, and



**Julie Foreman (TU Executive Officer) at the launch of the toolkit for community housing providers, to help strengthen practice in responding to domestic and family violence.**



**Renter security roundtable in February 2017.**

- Dr Chris Martin, Research Fellow (UNSW) on renting in the private rental market

The TU maintains positive relationships with tenant participation organisations and social housing tenant groups who provide ongoing feedback on the local impact of state wide policy decisions.

Of course our closest colleagues and partners in this important work are the TAASs whose input, analysis and support underpins our strategic advocacy.

# OBJECTIVE 3

**Objective 3: To build a strong and dynamic organisation capable of providing high quality services and advocating effectively in the interests of tenants at a systemic level.**

## EFFECTIVE GOVERNANCE AND MANAGEMENT

### Effective governance by a well-informed Board

The board continues to foster a practice of reflection and learning. An external facilitated review day was held in February 2017. It included self-evaluation and planning. The outcome of the day confirmed a strategic focus on growing and engaging a constituency for change. This has resulted in:

- A membership survey and discussion paper
- Development of a communication strategy
- Amendments to our website
- Mapping of stakeholders and forms of engagement
- An external stakeholder being invited for an informal discussion at the beginning of each board meeting
- Dedicated member and supporter training
- Review of the terms of reference for our Residential Parks Forum

The board updated and monitored their Key Performance Indicators (KPIs) and conducted a skills audit.

The Board received a comprehensive report against the strategic plan in August 2016 and February 2017 and bi-monthly office reports.

### Financial solvency and risk management

The Board Finance Committee met seven times this year. Comprehensive regular financial reports were provided to the Finance Committee and the Board. The TU launched a fundraising and regular giving campaign which has had small but promising results.



Possible financial risks continue to be identified and mitigation strategies put in place. Implications of the Equal Remuneration Order (ERO) payment is monitored to ensure compliance.

We continue to regularly monitor our Risk Management Plan and updated it this year, along with our risk management policy.

In a tightening financial environment we continued to implement cost saving measures including participating in bulk buying schemes for electricity and exploring cloud based archiving as well as alternative telephone and internet suppliers.

### Best practice polices and procedures

We continue to review and update our polices and procedures in the light of changes to laws, regulations and best practice in the not-for-profit sector. Our NACLC Accreditation was successfully renewed for a further three years.

We maintained our Registered Training Organisation status.

Our Strategic Technology Officer continues to ensure that our IT resources keep up with program and platform advances which support our work internally and externally. A digital strategy was developed this year.

**Julie Foreman (TU Executive Officer), Leo Patterson Ross (TU Advocacy and Research Officer) and Mauro Di Nicola (Consultant) at a TU planning day in July 2017.**

# OBJECTIVE 3

We also continue to provide a remote locum service to regional TAAS.

The board completed the updating of the TU's constitution this year. This included the establishment of a sub-committee to oversee the process. Its members sought pro bono advice from Allen and Overy Solicitors, Justice Connect and Jenny Onyx, Professor of Community Management, University of Technology Sydney. The changes adopted by the membership in September 2017 included:

- Increasing board terms to two years
- Limiting directors tenure to six years (three terms)
- Enabling limited non-member Directors with specialised skills
- Updating all legislative references
- Clarification of electronic and postal voting to ensure access by regional members

There was no change in our accountability to tenants with 90% of membership mandated as tenants and dedicated tenant positions on the board.

## Regular performance monitoring

Our fortnightly staff meetings continue to be an effective mechanism for regular review of the organisational performance as a whole. This year we have continued regular updates from each team in rotation to ensure a whole-of-organisation understanding of the current priority work of each team to build collective ownership of all of the TU's work.

Staff receive monthly supervision and an annual performance appraisal based on their work plans. Operational and communication plans are developed and reviewed quarterly by the Executive team.

An annual staff reflection and planning day was held in July 2016.

## Staff learning and development

Staff development is key to maintaining the excellence of our work.

Over the year staff attended training on topics including:

- Advocacy skills
- Archiving databases
- CLASS database (the reporting database mandated by Legal Aid for all CLCs)
- Cultural safety
- First Aid
- Future of fundraising for NGOs
- Housing for non-economists
- Law ethics
- Legal practice management
- Media & communications
- Mediation
- Parliamentary Inquiries
- Person-centered supervision
- Public speaking / presentation skills
- Registered Training Organisation assessment and compliance
- Social impact assessment
- Strategic communications
- Being a union delegate

TU staff also attended conferences and seminars:

- CLCNSW Quarterlies
- National CLC Conference

## Cultural Safety for Aboriginal and Torres Strait Islander staff & clients

The TU takes cultural safety to mean an environment that is spiritually, socially and emotionally safe for people; where there is no assault, challenge of denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning together.

We continue to monitor the implementation of our Cultural Safety Plan.

This year staff worked through the CLC NSW Cultural Awareness Modules at our fortnightly staff meetings. The Drop-in-Clients Policy was expanded to include safety and cultural awareness for Aboriginal and Torres Strait Islander clients.

## OBJECTIVE 3



**The TU hosted an event for National Reconciliation Week 2017.**



**TU stall at NAIDOC week in July 2017 in Woolloomooloo.**

Our Reconciliation Action Plan (RAP) was finalised through extensive consultation with our Aboriginal Advisory Committee and the Aboriginal TAASs (more detail about our RAP and its launch can be found on page 3.) We look forward to reporting on the progress of the RAP in our next Annual Report.

We annually hold Sorry Day and NAIDOC Week events for all staff. We prioritise Aboriginal providers in procurement of services.

### **Diversity Audit 2017**

The TU values and is committed to diversity in the workplace across board, staff and volunteers and to ensuring that our services are accessible by tenants from diverse backgrounds.

The TU Board and staff continue to be demographically diverse in age, and cultural background/ethnicity.

The TU programs and client services when developed and reviewed implement the TU commitment to diversity where appropriate. TU and the Ethnic Communities Council of NSW (ECC) are partnering on a program to deliver 'Know Your Rights as a Tenant' workshops with six ethnic communities over the coming year.

The TU promptly addresses any complaints from clients/service users and stakeholders that relate to breaches of the principle of diversity. No complaints were received in 2017.

The TU implements policies and practices that address any barriers to staff and volunteer participation in the work of the TU through its Anti-Discrimination, Harassment and Bullying Policy and its Equal Employment Opportunity Policy which supports affirmative action and reasonable adjustment of working conditions. The TU promptly addresses any grievances of staff or volunteers or applicants for paid or volunteer work in the TU that relate to breaches of the principle of diversity.

## OBJECTIVE 3

No grievances on the grounds of a breach of this principle were made in 2016-2017.

The TU maintains relationships with diverse stakeholders and/or their representative organisations appropriate to the work of the TU. The Ethnic Communities Council, the Multicultural Network, People With Disabilities, Physical Disabilities Council of NSW, Mental Health and Wellbeing Consumer Advice Service, Settlement Services International and Auburn Diversity Services have endorsed the Make Renting Fair Campaign.

The TU staff celebrated International Women's Day, Wear It Purple Day, and were part of the NSW CLCs contingent at the Sydney Gay and Lesbian Mardi Gras.

The TU will implement strategies to address issues for tenants with a disability in 2018.

### Get Healthy at Work

TU staff have signed up to this NSW government sponsored program to improve health in the workplace. Staff volunteered for a short health check from which they were able to decide on simple actions they could take at work to address any issues identified. We are also developing an Action Plan for the coming year across the whole of the organisation which will combine sports, exercise and fruit box options supported by a small grant under the program.



**The TU was part of the CLCs contingent at the Sydney Mardi Gras.**



**The TU and the Ethnic Communities Council of NSW are partnering on a program to deliver 'Know Your Rights as a Tenant' workshops with six ethnic communities over the coming year. Pictured are representatives from the TU, TAAS and ECC.**

# TREASURER'S REPORT

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**I am pleased to present the audited financial statements for the year ended 30th June 2017. This financial year has a surplus of \$42,285.**

This result is the product of good financial management including gaining income from internal management services as well as close monitoring of expenses over the entire financial year.

The Tenants' Union of NSW Co-operative Limited receives core funding from NSW Fair Trading and the Community Legal Service Program administered by Legal Aid NSW and funded by the federal and state governments and for this we offer our thanks and appreciation.

The organisation's total income for the year was \$1,658,133.

The financial position of the organisation remains sound with a positive net equity of \$122,957. It is pleasing to note that all projects fell within their budget and that the organisation as a whole ended fairly close to the budgeted income and expenditure for the year ended 30th June 2017.

While the financial result for the year was comfortable, it was monitored and controlled by good management. We are, however, totally aware of the potential difficulties and challenges in the future to the containment of funding from providers in the years to come. To that end the Executive team, the Finance Committee and the Board are providing deep thought and discussion about the financial sustainability of the Tenants' Union in the future. As such are working hard to broaden the scope of income and at the same time realistically looking at careful cost control.

I would also like to personally thank Martin Bangs, our Finance Manager, for his sound oversight and control of the day-to-day financials of the organisation.

Please refer to the following audited financial reports of the TU for more detail on our financial position.



A handwritten signature in black ink, appearing to be 'C. Jones', written over a light blue horizontal line.

Charmaine Jones  
**Treasurer**

## DIRECTOR'S REPORT FOR COOPERATIVE

*Co-operatives National Law section 278*

### To the Members,

Your Directors submit their report, together with the audited financial statements; for the year ended 30 June 2017.

### General information

#### Directors

The names of the directors in office at any time during, or since the end of the year are

Paula Rix  
Charmaine Jones  
Meredith Osborne  
Nicole Grgas  
Aideen McGarrigle  
Julia Davis  
Jessica Abi Khattar  
Donna Brotherson  
Charmaine Weldon  
Jennifer Rignold  
Lisa Smaljov  
Ruth Simon

#### Review of operations

The surplus of the cooperative for the financial year amounted to \$42,285.

#### Principal activities

The principal activities of the cooperative during the financial year were to operate as a community legal centre specialising in New South Wales residential tenancy law.

#### Change of affairs

No significant changes in the cooperative's state of affairs occurred during the financial year.

#### Future developments

Likely developments in the operations of the cooperative and the expected results of those operations in the future financial years have not been included in this report as the inclusion of such information is likely to result in unreasonable prejudice to the cooperative.

#### Indemnities and insurance premiums for officers or auditors

No indemnities have been given or insurance premiums paid, during or since the end of the financial year, for any person who is or has been an officer or auditor of the cooperative.

## DIRECTOR'S REPORT FOR COOPERATIVE

*Co-operatives National Law section 278*

### Information on Directors

Paula Rix	Chairperson & Director
Charmaine Jones	Treasurer & Director
Meredith Osborne	Director
Nicole Grgas	Director
Aideen McGarrigle	Director
Julia Davis	Director
Jessica Abi Khattar	Director
Donna Brotherson	Director
Charmaine Weldon	Director
Jennifer Rignold	Director
Lisa Smaljov	Director
Ruth Simon	Director

### Attendance at Meetings

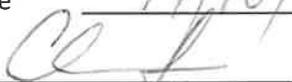
	Meetings Eligible	Meetings Attended	Apologies
Charmaine Jones	8	7	1
Paula Rix	8	8	-
Meredith Osborne	4	3	1
Nicole Grgas	8	6	2
Aideen McGarrigle	8	6	2
Julia Davis	8	6	2
Jessica Abi Khattar	4	0	4
Donna Brotherson	8	7	1
Charmaine Weldon	4	0	4
Jennifer Rignold	4	3	1
Lisa Smaljov	4	2	2
Ruth Simon	3	3	-

This Report is made in accordance with a resolution of the Board and is signed for and on behalf of the Directors.

Signed at Surry Hills on the

17/10/2017

Director signature



Director name Charmaine Jones

Director signature



Director name Paula Rix

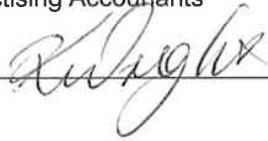
**AUDITOR'S INDEPENDENCE DECLARATION  
UNDER SECTION 307C OF THE CORPORATIONS ACT 2001  
TO THE DIRECTORS OF  
TENANTS' UNION OF NSW CO-OPERATIVE LIMITED**

I declare that, to the best of my knowledge and belief, during the year ended 30 June 2017 there have been:

- (i) no contraventions of the auditor independence requirements as set out in the Corporations Act 2001 in relation to the audit; and
- (ii) no contraventions of any applicable code of professional conduct in relation to the audit.

**Name of Firm:** Meagher Howard & Wright  
Certified Practising Accountants

**Name of Partner:** \_\_\_\_\_



**Address:** Suite 505, 55 Grafton Street BONDI JUNCTION NSW 2022

**Dated this 17 day of October 2017**

## STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2017

	Note	2017 \$	2016 \$
<b>Income</b>			
Revenue		1,658,133	1,817,986
<b>Expenditure</b>			
Occupancy expenses		(102,386)	(97,980)
Other expenses		(1,513,462)	(1,700,688)
		<u>42,285</u>	<u>19,318</u>
<b>Surplus for the year</b>	<b>3</b>	<u>42,285</u>	<u>19,318</u>
		<u>42,285</u>	<u>19,318</u>

The accompanying notes form part of these financial statements.

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2017

	Note	2017 \$	2016 \$
<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	4	609,850	493,320
Trade and other receivables	5	4,077	8,292
Other current assets	6	1,440	3,164
<b>TOTAL CURRENT ASSETS</b>		<b>615,367</b>	<b>504,776</b>
<b>NON-CURRENT ASSETS</b>			
Trade and other receivables	5	23,962	17,867
Furniture, Fixtures and Equipment	7	15,938	19,268
<b>TOTAL NON-CURRENT ASSETS</b>		<b>39,900</b>	<b>37,135</b>
<b>TOTAL ASSETS</b>		<b>655,267</b>	<b>541,911</b>
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Trade and Other Payables	8	180,128	165,987
Funds Unexpended	9	127,583	79,064
<b>TOTAL CURRENT LIABILITIES</b>		<b>307,711</b>	<b>245,051</b>
<b>NON-CURRENT LIABILITIES</b>			
Provisions	10	224,599	216,188
<b>TOTAL NON-CURRENT LIABILITIES</b>		<b>224,599</b>	<b>216,188</b>
<b>TOTAL LIABILITIES</b>		<b>532,310</b>	<b>461,239</b>
<b>NET ASSETS</b>		<b>122,957</b>	<b>80,672</b>
<b>EQUITY</b>			
Retained earnings	11	122,957	80,672
<b>TOTAL EQUITY</b>		<b>122,957</b>	<b>80,672</b>

The accompanying notes form part of these financial statements.

## STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2017

	Retained earnings \$	Total \$
<b>Balance at 1 July 2015</b>	61,354	61,354
Profit attributable to equity shareholders	19,318	19,318
<b>Balance at 30 June 2016</b>	80,672	80,672
Profit attributable to equity shareholders	42,285	42,285
<b>Balance at 30 June 2017</b>	<u>122,957</u>	<u>122,957</u>

The accompanying notes form part of these financial statements.

## STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2017

		2017 \$	2016 \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
	<b>Note</b>		
Receipts from funders and other receipts		2,014,329	983,354
Payments to suppliers and employees		(1,895,447)	(1,987,233)
Interest received		6,413	12,476
<b>Net cash provided by (used in) operating activities</b>	<b>12</b>	<u>125,295</u>	<u>(991,403)</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for property, plant and equipment		(2,670)	(3,107)
<b>Net cash used in investing activities</b>		<u>(2,670)</u>	<u>(3,107)</u>
Net increase (decrease) in cash held		122,625	(994,510)
Cash at beginning of financial year		511,187	1,505,697
Cash at end of financial year	<b>4</b>	<u>633,812</u>	<u>511,187</u>

The accompanying notes form part of these financial statements.

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017

The financial report covers TENANTS' UNION OF NSW CO-OPERATIVE LIMITED as an individual entity. TENANTS' UNION OF NSW CO-OPERATIVE LIMITED is a Not-for-profit Co-operative, incorporated and domiciled in Australia and reporting under the under the Australian Charities and Not-for-profits Commission Act 2012

The functional and presentation currency of TENANTS' UNION OF NSW CO-OPERATIVE LIMITED is Australian dollars.

Comparatives are consistent with prior years, unless otherwise stated.

### 1 Basis of Preparation

In the directors opinion, the Co-operative is not a reporting entity since there are unlikely to exist users of the financial report who are not able to command the preparation of reports tailored so as to satisfy specifically all of their information needs. This special purpose financial report has been prepared to meet the reporting requirements of the Co-operatives National Law (NSW) and the Australian Charities and Not-for-profits Commission Act 2012.

The financial statements have been prepared in accordance with the recognition and measurement requirements of the Australian Accounting Standards and Accounting Interpretations, and the disclosure requirements of AASB 101 Presentation of Financial Statements, AASB 107 Statement of Cash Flows, AASB 108 Accounting Policies, Changes in Accounting Estimates, Errors and AASB 1054 Australian Additional Disclosures.

The financial statements have been prepared on an accruals basis and are based on historical costs modified, where applicable, by the measurement at fair value of selected non current assets, financial assets and financial liabilities.

Significant accounting policies adopted in the preparation of these financial statements are presented below and are consistent with prior reporting periods unless otherwise stated.

### 2 Summary of Significant Accounting Policies

#### Property, Plant and Equipment

Each class of property, plant and equipment is carried at cost less, where applicable, any accumulated depreciation and impairment.

#### Plant and equipment

Plant and equipment are measured using the cost model.

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017

### Depreciation

The depreciable amount of all furniture, fixtures and equipment, except for freehold land is depreciated on a straight line method from the date that management determine that the asset is available for use.

### Income Tax Expense

The Co-operative is a community legal centre, incorporated under the Co-operatives National Law (NSW) and is exempt from income tax by Section 23 (e) of the Income Tax Assessment Act, 1936 and has been granted Public Benevolent Institution status.

### Employee Benefits

Provision is made for the Co-operative's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled.

Long Service Leave is accrued in respect of all permanent employees as per the Tenants Union Industrial Agreement, being 6.5 weeks Long Service Leave for every 5 years continuous service. Redundancy is provided in accordance with Employment Contracts.

Employee benefits are presented as current liabilities in the statement of financial position if the Co-operative does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting date regardless of the classification of the liability for measurement purposes under AASB 119.

### Provisions

Provisions are recognised when the Co-operative has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

### Cash and Cash Equivalents

Cash and cash equivalents comprises cash on hand, demand deposits and short-term investments which are readily convertible to known amounts of cash and which are subject to an insignificant risk of change in value.

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017

### Revenue

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Revenue from the rendering of a service is recognised upon the delivery of the service to the customers.

### Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST. The net amount of GST recoverable from, or payable to, the ATO is included as part of receivables or payables in the statement of financial position.

Cash flows in the statement of cash flows are included on a gross basis and the GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the taxation authority are classified as operating cash flows.

### Comparative Amounts

Comparatives are consistent with prior years, unless otherwise stated.

Where a change in comparatives has also affected the opening retained earnings previously presented in a comparative period, an opening statement of financial position at the earliest date of the comparative period has been presented.

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017

	2017 \$	2016 \$
<b>3 Surplus for the year</b>		
Surplus from continuing operations includes the following specific expenses:		
<b>Expenses</b>		
Employee benefits expense:		
contributions to defined contribution superannuation funds	109,951	117,501
Depreciation of property, plant and equipment	6,000	6,000
Audit Fees	4,500	4,500
<b>4 Cash and Cash Equivalents</b>		
Cash in Hand	600	600
Cwth Bank Cheque Account	41,175	7,049
Cwth Bank Online Saver	564,778	478,241
Cwth Bank - Direct Debit	3,297	7,430
	<u>609,850</u>	<u>493,320</u>
<b>5 Trade and Other Receivables</b>		
<b>Current</b>		
Trade Debtors	3,931	4,265
Income Accrued	-	431
GST Credits	146	3,596
	<u>4,077</u>	<u>8,292</u>
<b>Non-Current</b>		
Bank Guarantee Deposit	<u>23,962</u>	<u>17,867</u>
The carrying value of trade receivables is considered a reasonable approximation of fair value due to the short term nature of the balances.		
<b>6 Other Non-Financial Assets</b>		
<b>Current</b>		
Prepayments	<u>1,440</u>	<u>3,164</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017

	2017 \$	2016 \$
<b>7 Furniture, Fittings and Equipment</b>		
<b>Furniture, Fixtures and Equipment</b>		
At cost	198,066	195,396
Accumulated depreciation	(182,128)	(176,128)
<b>Total Furniture, Fixtures and Equipment</b>	<u>15,938</u>	<u>19,268</u>
<b>8 Trade and Other Payables</b>		
<b>Current</b>		
Accrued Expenses	4,500	9,294
PAYG Liability	13,457	20,533
Superannuation	10,720	17,375
TU Staff Social Club (3rd Party Funds Holding Acc)	3,113	2,726
Provision for Annual Leave	119,142	86,862
Provision for Sick Pay	29,196	29,197
	<u>180,128</u>	<u>165,987</u>
<b>9 Funds Unexpended</b>		
<b>Current</b>		
Funds Unexpended	<u>127,583</u>	<u>79,064</u>
<b>Total Funds Unexpended</b>	<u>127,583</u>	<u>79,064</u>
<b>10 Provisions</b>		
<b>Non-Current</b>		
Provision for LSL	99,275	90,863
Provision for Redundancy	95,714	95,714
Provision for Parental Leave	29,610	29,611
	<u>224,599</u>	<u>216,188</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017

	2017 \$	2016 \$
<b>11 Retained Earnings</b>		
Retained earnings at the beginning of the financial year	80,672	61,354
Surplus attributable to the Co-operative	42,285	19,318
Retained earnings at the end of the financial year	<u>122,957</u>	<u>80,672</u>
<b>12 Cash Flow Information</b>		
<b>Reconciliation of Cash Flow from Operations with Surplus</b>		
Surplus	42,285	19,318
	<u>42,285</u>	<u>19,318</u>
<b>13 Co-operative details</b>		
TENANTS' UNION OF NSW CO-OPERATIVE LIMITED		

## DIRECTORS' DECLARATION

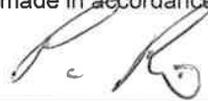
The directors have determined that the Co-operative is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies described in Note 1 to the financial statements.

The directors of the Co-operative declare that:

1. The financial statements and notes, as set out on pages 2 to 11 are in accordance with the Co-operatives National Law (NSW) and the Australian Charities and Not-for-profits Commission Act 2012.
  - (a) comply with Accounting Standards as stated in Note 1; and
  - (b) give a true and fair view of the Co-operative's financial position as at 30 June 2017 and of its performance for the year ended on that date in accordance with the accounting policies described in Note 1 to the financial statements.
2. In the directors' opinion there are reasonable grounds to believe that the Co-operative will be able to pay its debt as and when they become due and payable.

This declaration is made in accordance with a resolution of the Board of Directors.

Director:



Paula Rix

Director:



Charmaine Jones

Dated this 17 day of October 2017.



## MEAGHER, HOWARD & WRIGHT

CERTIFIED PRACTISING ACCOUNTANTS

ABN 42 664 097 441

### PARTNERS

K.J. WRIGHT J.P. M.COMM. F.C.P.A.  
G. MIDDLETON B.COMM. ACA

### FINANCIAL PLANNING

MARK MAYCOCK J.P.

### ASSOCIATE

L.J. HOWARD O.A.M. J.P. B.Ec. F.C.P.A.

Suite 505

Level 5 / 55 Grafton Street  
BONDI JUNCTION NSW 2022  
PO Box 653  
BONDI JUNCTION NSW 1355

Phone: 02 9387 8988

Fax: 02 9387 8388

[greg@mhw.net.au](mailto:greg@mhw.net.au)

## Independent Auditor's Report To the Members of Tenants' Union of NSW

### Opinion

We have audited the financial report of Tenants' Union of NSW ("the Entity"), which comprises the statement of financial position as at 30 June 2017, the statement of comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the declaration of those charged with governance.

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

- a) giving a true and fair view of the Entity's financial position as at 30 June 2017 and of its financial performance and cash flows for the year then ended; and
- b) complying with Australian Accounting Standards to the extent described in Note 1 and Division 60 of the *Australian Charities and Not-for-profits Commission Regulation 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 Entity in accordance with the auditor independence 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 report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We confirm that the independence declaration required by Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012*, which has been given to those charged with governance, would be in the same terms if given as at the time of this auditor's report.

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 report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the financial reporting responsibilities under the *Australian Charities and Not-for-profits Commission Act 2012*. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

### **Responsibilities of Management and Those Charged with Governance for the Financial Report**

Management is responsible for the preparation of the special purpose financial report that gives a true and fair view in accordance with the relevant Australian Accounting Standards in accordance with the *Australian Charities and Not-for Profits Commission Regulations 2013* and 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 report that is free from material misstatement, whether due to fraud or error.

In preparing the special purpose financial report, management is responsible for assessing the Entity'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 intend to liquidate the Entity or to cease operations, or have no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

## **Auditor's Responsibilities for the Audit of the Financial Report**

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is 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 this financial report.

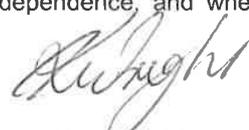
As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- 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 Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by 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 Entity'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 report or, 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 Entity 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 those charged with governance 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.

We also provide the those charged with governance with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, related safeguards.

**Meagher Howard & Wright**  
CPA



**Ken Wright**  
Partner

Suite 505, 55 Grafton Street Bondi Junction NSW 2022

17th October 2017

## PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2017

	2017	2016
	\$	\$
<b>INCOME</b>		
Grants - Law and Justice Foundation	6,555	36,301
Fees Received	6,327	-
Donations Received	1,383	342
Interest Received	6,412	12,939
Membership Fees	1,956	1,392
Grants - NSW Fair Trading	1,328,789	1,374,849
Grants - Legal Aid	232,273	223,107
Grants - Boarding House Project	-	84,008
Grants- Regional Network	23,600	23,495
Management Fees	-	36,598
TAAP Meetings	-	21,306
Sundry Income	50,838	1,073
Tenants Rights Manual	-	2,576
	<u>1,658,133</u>	<u>1,817,986</u>

The accompanying notes form part of these financial statements.

## PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2017

	2017 \$	2016 \$
<b>EXPENSES</b>		
Archiving	1,720	2,032
Audit Fees	4,500	4,500
Bank Charges	1,256	786
Building Services	8,819	10,333
Consultants & Contractors	12,972	72,556
Computer & IT Expenses	4,132	5,496
Depreciation	6,000	6,000
Equipment	6,077	10,872
Courier Services	887	726
Cert 4 Assessment Fees	-	300
Insurance	11,202	8,344
Legal Library Expenses	612	509
Meetings Expenses	16,903	15,184
National CLC Levy	6,400	6,200
Postage	7,458	16,406
Printing & Stationery	10,207	30,362
Photocopying	3,756	4,483
Practice & Legal Costs	1,837	1,711
Publications & Subscriptions	13,320	12,254
Rent	87,978	82,978
Repairs & Maintenance	690	260
Provisions & Reserves	40,691	15,000
Recruitment Expenses	546	280
Salaries	1,177,682	1,267,923
Staff Amenities	1,955	1,781
Training & Accreditation	3,280	11,483
Superannuation	109,951	117,501
TAAP Meetings	23,600	53,197
Utilities	5,589	4,669
Telephone & Communications	12,660	13,310
Travelling Expenses	26,494	11,863
Venue Hire	6,674	9,369
	<u>1,615,848</u>	<u>1,798,668</u>
<b>Surplus</b>	<u>42,285</u>	<u>19,318</u>

The accompanying notes form part of these financial statements.

## DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2017

	2017 \$	2016 \$
<b>OFFICE OF FAIR TRADING</b>		
<b>OTHER INCOME</b>		
Grants - NSW Fair Trading	1,328,789	1,374,849
Interest Received	5,450	10,919
	1,334,239	1,385,768
<b>EXPENSES</b>		
Archiving	1,462	1,763
Audit Fees	3,825	3,550
Bank Charges	1,068	668
Building Services	7,496	8,631
Consultants & Contractors	11,722	19,413
Computer & IT Expenses	3,512	4,380
Depreciation	5,100	5,129
Equipment	5,165	9,970
Courier Services	754	616
Cert 4 Assessment Fees	-	300
Insurance	9,522	7,092
Legal Library Expenses	520	145
Meetings Expenses	6,316	6,135
National CLC Levy	5,440	5,270
Postage	6,458	14,306
Printing & Stationery	8,676	16,582
Photocopying	3,193	4,125
Practice & Legal Costs	1,561	1,681
Publications & Subscriptions	12,195	10,896
Rent	76,778	70,156
Repairs & Maintenance	586	221
Provisions & Reserves	39,441	15,000
Recruitment Expenses	464	252
Salaries	981,247	1,032,266
Staff Amenities	1,662	1,136
Training & Accreditation	2,788	10,451
Superannuation	92,390	95,472
TAAP Meetings	-	15,761
Utilities	4,750	4,195
Telephone & Communications	10,910	11,977
Travelling Expenses	23,565	-
Venue Hire	5,673	8,229
	1,334,239	1,385,768
<b>Surplus</b>	-	-

The accompanying notes form part of these financial statements.

## DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2017

	2017 \$	2016 \$
<b>LEGAL AID COMMISSION</b>		
<b>OTHER INCOME</b>		
Grants - Legal Aid	232,273	223,107
Interest Received	962	2,020
	<u>233,235</u>	<u>225,127</u>
<b>EXPENSES</b>		
Archiving	258	269
Audit Fees	675	950
Bank Charges	188	118
Building Services	1,323	1,702
Consultants & Contractors	1,250	2,009
Computer & IT Expenses	620	364
Depreciation	900	871
Equipment	912	902
Courier Services	133	110
Insurance	1,680	1,252
Legal Library Expenses	92	364
Meetings Expenses	2,535	377
National CLC Levy	960	930
Postage	1,000	520
Printing & Stationery	1,531	2,729
Photocopying	563	358
Practice & Legal Costs	276	-
Publications & Subscriptions	1,125	1,358
Rent	11,200	12,822
Repairs & Maintenance	104	39
Provisions & Reserves	1,250	-
Recruitment Expenses	82	28
Salaries	179,792	175,620
Staff Amenities	293	584
Training & Accreditation	492	1,032
Superannuation	17,561	16,329
Utilities	839	474
Telephone & Communications	1,750	1,062
Travelling Expenses	2,850	1,954
Venue Hire	1,001	-
	<u>233,235</u>	<u>225,127</u>
<b>Surplus</b>	<u>-</u>	<u>-</u>

The accompanying notes form part of these financial statements.

## DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2017

	2017 \$	2016 \$
<b>TAAP - REGIONAL MEETING</b>		
<b>OTHER INCOME</b>		
Grants- Regional Network	<u>23,600</u>	<u>23,495</u>
<b>EXPENSES</b>		
TAAP Meetings	<u>23,600</u>	<u>23,495</u>
	<u>23,600</u>	<u>23,495</u>
<b>Surplus</b>	<u>-</u>	<u>-</u>

The accompanying notes form part of these financial statements.

## DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2017

	2017	2016
	\$	\$
<b>TENANTS UNION INTERNAL</b>		
<b>OTHER INCOME</b>		
Fees Received	6,327	-
Donations Received	1,383	342
Membership Fees	1,956	1,392
Management Fees	-	36,598
TAAP Meetings	-	21,306
Sundry Income	50,838	1,073
Tenants Rights Manual	-	2,576
	<u>60,504</u>	<u>63,287</u>
<b>EXPENSES</b>		
Consultants & Contractors	-	19,932
Computer & IT Expenses	-	752
Meetings Expenses	8,052	8,623
Printing & Stationery	-	721
Salaries	10,088	-
TAAP Meetings	-	13,941
Travelling Expenses	79	-
	<u>18,219</u>	<u>43,969</u>
<b>Surplus</b>	<u>42,285</u>	<u>19,318</u>

The accompanying notes form part of these financial statements.

# MARY PERKINS TRIBUTE

**After 16 years, Mary Perkins retired as Executive Officer, Shelter NSW. As a tribute to her, and her work in establishing the Tenants' Union of New South Wales, we reprint below a short excerpt from the interview Mary gave us for our 40th Anniversary video in 2016.**

The excerpt below says much about Mary's calibre and commitment to activism for fair rental law and policy in NSW. It also reveals Mary's strong sense of social justice, hands on grass roots work, and the willingness to put up with demanding working conditions with a sense of humour.

Mary went on to make significant contributions to both the CLC movement and housing policy in NSW at NCOSS, Redfern Legal Centre and Shelter NSW. We join with many others in thanking Mary for her work on behalf of renters in NSW.



**Mary Perkins (centre) with TU staff at a morning tea to celebrate her contribution.**

The full 40th Anniversary video is available at [tenants.org.au/tu/my-house-my-home-video](https://tenants.org.au/tu/my-house-my-home-video)

***“In the 70's I was working in Kings Cross/Darlinghurst in a youth unemployment project. At that time Sydney's working class private rental population was being dislodged from inner city suburbs as a result of gentrification and the institutional and CBD expansion that was taking place.***

***Back then there was no legal aid, no forms of assistance for anybody who was doing it tough. People had to either fight their own battles or just see what they could sort out.***

***We were having meetings of tenants in Kings Cross/Darlinghurst. We were supporting people to squat in vacant property. We were also running anti- eviction campaigns. They were quite significant because whole streets were being evicted in one go.***

***At the same time, there were people setting up the first meetings for the Tenants' Union: people from South Sydney Community Aid, Robert Mowbray, and***

***Bondi Beach Cottage and a whole bunch of people around the Inner City Regional Council network. By then Shelter had formed. The TU actually started life as a Tenancy Legal Working Party of Shelter.***

***Everything was voluntary. When eventually the TU did pick up some money from the Legal Aid Commission for a project worker I applied and was hired. We were located in the old Uniting Church building in Botany Road, Redfern. It was pretty rough and tumble; most of the glass in the windows was gone, the floor sloped. On Friday nights we had to pack up our desks and put all of the papers away so they could have church on Sunday and on Monday we'd unpack it all so we'd have a Tenants' Union office for the rest of the week. At that time there was a bit of campaigning to get an award for social welfare workers and there was a hearing for the award, a site meeting held at our workplace which was described by the judges as easily the worst workplace they'd ever seen in terms of its physical comfort and conditions!”***

# TENANT STORIES

***In 2016-2017 the TU worked with dozens of renters to tell their stories through our publications and also in the mainstream media. These stories put a powerful human face to the experiences and issues faced by tenants. Below are a few highlights from the year, and links to read the full story online. All photos by Lee Stefen.***



## **Kellie and Elijah**

Kellie and her son Elijah are tenants on the Central Coast. At their previous place the landlord failed to abide by renting laws in a number of ways. Kellie got advice from Central Coast TAAS and went to the Tribunal to seek compensation for the landlord's failure to do repairs and an illegal lockout.

Kelly says, "When I tried to assert my rights, the landlord gave me an illegal 14-day eviction notice, and also illegally locked me out of the property three times. He's a real backyard bully."

[tenants.org.au/news/escaping-unsafe-and-insecure-rental-nightmare](https://tenants.org.au/news/escaping-unsafe-and-insecure-rental-nightmare)



## **Penny and Benji**

Penny received a \$100 rent increase notice, which she thought seemed excessive. But when she tried to negotiate with the landlord she got an email telling her she was being evicted – a 'no grounds' eviction notice – supposedly for 'no reason'.

"Until it happened to me, I just don't think I was aware – or didn't believe – that I could get chucked out for something like this. It made it really clear that investing & profit from an investment property is valued far ahead of the humans who live in the houses."

[rentingfair.org.au](https://rentingfair.org.au)



## **Brian and Ruby**

Brian and his kelpie Ruby live in Turanga – one of the public housing towers of Waterloo. Brian moved in three years ago, but when he accepted the offer, he did not know that redevelopment is being planned for the Waterloo estate.

Brian says, "It's small but it's handy to everything – shops and doctors, the park for Ruby. It's definitely my home. I feel safe and secure. They've said most people will be able to move into a new place. They haven't said anything about what that might be."

[files.tenants.org.au/tenant-news/Tenant-News-115-web.pdf](https://files.tenants.org.au/tenant-news/Tenant-News-115-web.pdf)



## **Liesel and Johnny**

The public housing tenants at Todd and Bent Street in Wollongong have been working hard to create a vibrant community and a thriving community garden. A permaculture garden now flourishes in an area which used to be neglected.

Liesel says, "I've lived here with my daughter Indiana for one year and I like it. But it would be good to have more kids living here. Sometimes I bring Indiana to the garden to pick vegetables – it's good for her."

[tenants.org.au/news/growing-community-tenant-run-garden](https://tenants.org.au/news/growing-community-tenant-run-garden)