



ANNUAL REPORT 2017-2018



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Cover photos, clockwise from top left: Kristy, David Dodge, David Bott, and Lauren. See back cover for their stories. Photos of Kristy, David Dodge and David Bott by Jeremy Kerbel. Photo of Lauren by Lee Stefen.

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ABOUT THE TENANTS' UNION

The Tenants' Union of New South Wales (TU) has been advocating for tenants in New South Wales since 1976. The Tenants' Union is an independent, secular, Community Legal Centre (CLC) and the peak body representing the interests of residential tenants in NSW.

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 and Advocacy Services (TAASs), which are funded through the Tenants' Advice and Advocacy Program (TAAP).
- A Registered Training Organisation (RTO)

WE WORK TO PROMOTE THE INTERESTS OF:

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

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.

OBJECTIVES

The Tenants' Union works towards this mission by striving to meet the following objectives:

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 to TAASs by providing advice, training, and resources.
2. To have a positive impact on public opinion, policies and practices affecting tenants through research, advocacy, public comment, and support for tenants taking action.
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.



STRATEGIC PRIORITIES

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.

ACKNOWLEDGEMENT OF COUNTRY

The Tenants' Union of NSW 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 Tenants' Union 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 Aboriginal people and the need of the Aboriginal people for the land. The Tenants' Union 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 Tenants' Union 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 Tenants' Union acknowledges that the lack of a coordinated approach to 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.



***Mullian – the Wedge Tailed Eagle – by Millmullian.
Artwork commissioned by the Tenants' Union in 2015.***



National Reconciliation Week BBQ jointly organised by the Tenants' Union, Community Legal Centres NSW, Justice Connect, and the National Association of Community Legal Centres, May 2018

RECONCILIATION ACTION PLAN UPDATE

The Tenants' Union's vision for reconciliation is for all Aboriginal and Torres Strait Islander peoples living in New South Wales to have access to safe, secure and affordable housing.

Our Reconciliation Action Plan (RAP), launched in September 2017, guides us in ensuring reconciliation with Aboriginal and Torres Strait Islander people is built into all aspects of the Tenants' Union's work.

Key achievements of the RAP since launch include:

- Revitalisation of the Tenants' Union Aboriginal Advisory Committee with Aboriginal representatives from Legal Aid, Aboriginal TAASs, Community Legal Centres and academia.
- National Reconciliation Week BBQ organised jointly by the Tenants' Union, Community Legal Centres NSW, the National Association of Community Legal Centres and Justice Connect. 80 people attended.
- Increased engagement with Aboriginal organisations including Aboriginal liaison officer for Waterloo redevelopment, Blacktown Men's Shed and Aboriginal Legal Service.
- New tenancy law resources for Aboriginal tenants developed.
- Holding metropolitan TAAS Network meetings at the National Centre for Indigenous Excellence, Redfern.



National Reconciliation Week BBQ

Above: Uncle Chicka Madden welcoming participants to the event. Right, top to bottom: Martin Bangs (TU Finance Manager) and John Mewburn (TU Aboriginal Paralegal) cooking for the BBQ; participants getting food; playing traditional Indigenous games; red, yellow and black balloons.

CHAIRPERSON'S MESSAGE

The last 12 months has brought challenges and triumphs for the Tenants' Union, and our work continues to be very important as private tenancy continues to rise in NSW.

The board has thus spent the last 12 months ensuring it is doing its best to ensure the Tenants' Union is able to meet the opportunities and challenges ahead. At our annual board reflection and planning day we discussed the Tenants' Union's growing skills and capacity for some monetised projects. This is part of our current Priority Areas under our Strategic Plan, specifically of creating a strong, viable and sustainable organisation. The Tenants' Union has been able to use its in-house IT and communications skills to successfully undertake several IT enhancement projects for its fellow community legal centres.

The sustainability of our work continues to be a key focus for the Board. The Board and staff successfully participated in implementing both cost cutting and income generating measures over the last 12 months, ensuring we can continue to provide valuable support and advice to the TAAS network and tenants in NSW.

The last 12 months have been busy for all Tenants' Union staff, including the policy team which has put a tremendous amount of effort in to the *Residential Tenancies Act 2010* Review including multiple parliamentary briefings and extensive follow-up work with Government in order to achieve the best law reform outcomes for tenants in NSW. And congratulations on the launch of our Rent Tracker Postcode tool!

I would also like to take this opportunity to thank all funders, donors and partner organisations. I would particularly like to thank our Tenants' Union Ambassadors who have pledged to stand beside us in defending renter's rights by donating 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 all of our staff and volunteers. The quality



of their work, creativity and initiative has again shown great results. I would also like to thank my fellow Directors for undertaking the responsibility of guiding the organisation and for providing sound governance. Our newly revised constitution was finalised in October 2017 after lots of hard work by the board and executive team to ensure it will serve the Tenants' Union long into the future.

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

Julia Davis

Chairperson

EXECUTIVE OFFICER'S MESSAGE

In a renting system with a complex policy and legal context, the Tenants' Union of New South Wales is making a difference.

Tenants and their advocates are coming together more than ever before in campaigns such as 'Make Renting Fair'. Political parties are changing their policy platforms on private renting, thousands have supported action for law reform by attending gatherings, participating in surveys, sharing their stories or writing letters. Over 100 organisations have endorsed the call to end unfair evictions. The Tenants' Union's leadership and contribution to this movement is set out in this report.

We continue to work for positive outcomes for social housing tenants and to oppose policies which are unfair or stigmatise tenants.

Our legal team are making a difference with their public interest litigation, testing anti-social behaviour amendments and unfair terminations by social housing providers. We have prevented land lease park operators profiteering from electricity charges and strengthened residents' rights of tenure and compensation.

We continue to provide vital support to tenants through training, resources and advice. Over 1,500 people participated in our education and information events. Over 3,000 individuals received advice, information or referral. We had over 850,000 unique sessions on our web resources. We launched and upgraded our Rent Tracker tool providing tenants with up to date data to challenge unfair rent increases.

The launch of our Reconciliation Action Plan in September 2017 has strengthened our commitment to our vision for all Aboriginal and Torres Strait Islander peoples living in NSW to have access to safe, secure and affordable housing. And it has challenged us to ensure reconciliation is built into all aspects of our work.

These achievements are only possible because of our broader partnerships and



dedicated Tenants' Union team. It truly is a privilege to work with the staff, board and volunteers at the Tenants' Union. Their commitment, hard work and expertise forges a wonderful collaboration.

After many years in tenancy advocacy and policy Ned Cutcher left this year to take up a senior position with Shelter NSW. Ned steered the policy work of the Tenants' Union through a significant period of legal reform. We thank him for his clear articulation of the need for change along with his skills of persuasion and strategic advice.

We say special thanks to Aimee Bull-McMahon, Hayley Stone, Olivia Nielsen-Gurung and Sarah Nielsen who assisted us with contract and locum positions this year. They made highly valuable contributions to the team.

The year ahead looks like one full of changes, challenges and opportunities for renters in NSW. We are up for it and we hope you will join us!

Julie Foreman
Executive Officer

BOARD & STAFF

BOARD

Donna Brotherson

– Former Tenant Participation Worker,
Illawarra Forum

Julia Davis

– Communications and Policy Officer, Financial
Rights Legal Centre

Nicole Grgas

– Coordinator, Hunter Tenants' Advice and
Advocacy Service

Charmaine Jones

– Executive Officer, Inner Sydney Voice

Aideen McGarrigle

– Solicitor specialising in legal ethics, Legal Aid NSW

Maree O'Halloran

– Solicitor, private practice

Jennifer Rignold

– Public Housing resident and volunteer

Paula Rix

– Retired Senior Policy Officer, Shelter NSW

Lisa Smaljov

– Community Development Coordinator,
Rozelle Neighbourhood Centre

STAFF

Julie Foreman

– Executive Officer

Administration

Martin Bangs

– Finance Manager

Aimee Bull-McMahon

– Administration Assistant (Feb - May 2018)

Anne Coates

– Administration Officer

Dylan Stanford

– Administration Assistant
– Administration Officer (Dec 2017 - May 2018)

Legal

Grant Arbuthnot

– Principal Legal Officer

Jess Massa

– Legal Officer, Aboriginal Support

John Mewburn

– Aboriginal Paralegal

Paul Smyth

– Residential Parks Legal Officer

Cass Wong

– Litigation Solicitor

Policy

Leo Patterson Ross

– Advocacy and Research Officer (until Feb 2018)
– Senior Policy Officer (from Feb 2018)

Ned Cutcher

– Senior Policy Officer (until Feb 2018)

Elizabeth De Freitas

– Advocacy and Research Officer (from June 2018)

Jemima Mowbray

– Policy and Campaigns Officer

Dr Robert Mowbray

– Project Officer, Older Tenants

Hayley Stone

– Policy and Legal Support Locum (June - Sep 2017)

Education and Resources

Paul van Reyk

– Senior Resources and Project Officer

Patrycja Arvidssen

– Learning and Development Coordinator

Anushke Guneratne

– Strategic Technology Officer

Jeremy Kerbel

– Resource Development Officer

Rafael Mazzoldi

– Resource Development Officer

Residential Parks

Julie Lee

– Residential Parks Officer



Tenants' Union Board, from top left: Donna Brotherson, Julia Davis, Nicole Grgas, Charmaine Jones, Aideen McGarrigle, Maree O'Halloran, Jennifer Rignold, Paula Rix, Lisa Smaljev.



Tenants' Union staff, from top left: Julie Foreman, Martin Bangs, Anne Coates, Dylan Stanford, Aimee Bull-McMahon, Grant Arbuthnot, Jess Massa, John Mewburn, Paul Smyth, Cass Wong, Leo Patterson Ross, Ned Cutcher, Jemima Mowbray, Robert Mowbray, Paul van Reyk, Patrycja Arvidssen, Anushke Guneratne, Jeremy Kerbel, Julie Lee.

RENTERS IN NSW – AT A GLANCE



There are **2,156,653** renters in NSW.

29% of NSW residents are renters.



88% of renters are in private rental.



12% of renters are in public or community housing.

\$480 is the median weekly rent in 2018.

55% of Aboriginal people in NSW are renters.

6% of renters in NSW are Indigenous people.



31% of people born overseas are renters.

25% of people who need assistance due to a disability are renters.

62% of renters are under 40 years of age.

47% of single parent families in NSW are renters.

Of renter households in NSW:

27% are single people,



20% are couples,

41% are families with dependent children,

9% are group households.

The Tenants' Union provides high quality legal advice and assistance to Tenant Advocates, community workers, and tenants. This practice is provided and sustained through direct advice, appropriate legal management & compliance, and professional development of the legal team. We also engage in strategic litigation in order to improve the law for tenants.

DIRECT ADVICE TO TENANT ADVICE AND ADVOCACY SERVICES

We provided 1,040 advices this year to TAASs, almost double the 2016-2017 figure.

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

- Notices of termination
- NSW Civil and Administrative Tribunal (NCAT) matters
- Rent
- Community rules, utilities, site fees, sub-letting, terminations, park owner conduct and Local Government Regulations in residential land lease communities (formerly called residential parks)
- Repairs, termination, Tribunal, rent arrears, and rent subsidy calculations for Aboriginal TAASs

We provided an additional 65 advices to other community organisations, resident associations, Community Legal Centre solicitors, Legal Aid NSW, Fair Trading NSW and student organisations.

LEGAL PRACTICE MANAGEMENT AND COMPLIANCE

We successfully completed the Professional Indemnity Insurance cross check in December 2017 and remain accredited under the National Accreditation Scheme for Community Legal Centres: Phase Two. Regular legal practice meetings, which include case review, and individual supervision provide quality assurance and continued improvement within the legal practice. Legal Practice Policies were updated and applied.



1,040 advices to TAASs

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

- Professional Indemnity Insurance (PII)
- Practice Management,
- Ethics,
- Family Violence,
- Privilege,
- Principle of Legality, and
- Vicarious trauma

Regular liaison with the housing team at Legal Aid allows for information sharing, strategic litigation and effective referral processes.

TENANTS' ADVICE LINES

Our Monday Tenants' Advice Line continues to operate with the assistance of volunteers. We provided advice or referral to 1,027 callers, about the same as in 2016-2017. The Advice Line keeps our legal and policy staff up to date on issues affecting tenants, flagging emerging systemic issues that require investigation and action. It also provides an opportunity for volunteers to increase their knowledge and skill and provides an employment pathway to Tenants' Advice and Advocacy Services.

We also provided information and referral on 1,046 occasions outside of Advice Line hours.

Daily hotlines dedicated for boarding house residents and people in custody continue to enable direct access for vulnerable clients. 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.

The Tenants' Union's participation in the national community legal centre client survey revealed that over 90% of clients agreed or strongly agreed that the Tenants' Union listened to their legal problem, helped them understand how to deal with it and would recommend the Tenants' Union to others.

STRATEGIC LITIGATION CASES: HIGHLIGHTS

Community Organisation Landlords and no grounds termination

We have assisted in two matters where tenants received no grounds termination notices from their community landlords. One matter was taken to the Supreme Court and is now in settlement negotiations. The other matter is being conducted in NCAT by the local TAAS and is ongoing.

Lynwood

In the last Annual Report we noted Ms Lynwood's case, regarding use of no-grounds termination by social housing providers. The Supreme Court found that a conflict between two sections of the Residential Tenancies Act resolved against social housing providers being able to use no-grounds termination without the Tribunal having discretion to not evict.

The landlord appealed and the Court of Appeal found (on 24/11/17) that there is not a conflict and therefore no grounds

termination is available to social housing providers and the Tribunal must evict tenants by that process.

The judgement is published as ***Coffs Harbour and District Local Aboriginal Land Council v Lynwood*** [2017] NSWCA 317.

Issues with Commonwealth Rent Assistance

Family and Community Services (FACS) Housing estimation of Commonwealth Rent Assistance (CRA) is still an issue for tenants of the Aboriginal Housing Office (AHO). We have been assisting two AHO clients. One client has experienced difficulty and cost for years and cannot get clear guidance from FACS Housing or Centrelink. A Housing Appeals Committee application has been filed and heard. The decision was not in our client's favour and deemed that there had been no error with the CRA. We have now lodged Freedom of Information and Government Information Public Access (GIPA) requests to both Centrelink and FACS Housing to obtain the client's file and try and reconcile the differences and where the errors have occurred. We are in the process of collating and comparing the results of those two requests.

Residential Land Lease Communities

We have assisted in two matters regarding electricity charges in residential land lease communities. In ***Elizabeth and Michael Hood v Harley Kismet Pty Ltd*** NCAT found the level of supply to be 40 Amps and the Service Availability Charge (SAC) was therefore 70% of the daily SAC as prescribed in the *Residential Land Lease Communities Regulations 2015*. A refund was ordered to be paid to the home owners.

The operator appealed the decision and the TU took on the clients from local TAAS and represented them at the Appeal Panel. The Appeal Panel dismissed the application and lifted the stay in its decision of 31 May 2018.

Following the dismissal of the appeal the operator attempted to force the home owners to accept an upgrade of their electricity supply. When this was unsuccessful the operator contravened the orders of the Tribunal and continued to charge the SAC at 100%. The TU referred the operator to the NSW Fair Trading compliance team and assisted the home owners to re-list the matter at NCAT.

Silva Portfolios Pty Ltd t/as Ballina Waterfront Village v Margaret Reckless

This matter was heard by NCAT in June 2017 and is an important case regarding electricity usage charges under the *Residential Land Lease Community Act 2013*. The key point for determination was the meaning of section 77(3) of the Act. The difference is between the operator profiting from the sale of electricity or recovering the cost of electricity consumed by the home owner.

The home owner successfully appealed the Consumer and Commercial Division decision with the Appeal Panel decision handed down on 3 April 2018. The operator then sought leave of the Supreme Court by filing a Summons to appeal the decision of the Appeal Panel. The case was heard in the Supreme Court of NSW on 17 August 2018.

On 4 September 2018 Justice Davies handed down his decision dismissing the operator's appeal and amended Summons. This decision provided clarity about the meaning of section 77(3). On the proper construction section 77(3) of the Act means that an operator is not entitled to charge a home owner any more than the operator has been charged for the supply or use of the electricity consumed by the home owner. The operator was ordered to pay the home owner costs in this case.

The matter of ***David Dodge v Hacienda Caravan Park Pty Ltd*** concerns a home owner who has lived at a Land Lease Community for more than eight years, without the benefit of a written agreement. The home owner was successful at NCAT in obtaining orders per section 26(4) *Residential Land Lease Community Act 2013* that they be provided with a written site agreement in standard form by the operator. The operator unsuccessfully appealed the decision of the Tribunal to the Appeal Panel, asserting that the home owners are covered by the *Holiday Parks (Long-term Casual Occupation) Act 2002*. The decision was handed down on 8 May 2018. A Summons commencing an Appeal was filed by the operator with the Supreme Court on 5 June 2018. There have been 4 directions hearings before a Registrar and the matter is listed for hearing in the Supreme Court of NSW on 4 December 2018.



In the last Annual Report we reported on ***TriCare (Hastings) Ltd t/as Hastings Point Holiday Park***. These matters may set the tone for future change of use compensation disputes in Land Lease Communities. Compensation when the dwelling is not for removal is covered by section 141 of the *Residential Land Lease Communities Act* and has not been litigated before. The last two matters were heard by NCAT at the end of May 2017. The issues included the valuation of the homes as if the change of use were not to occur. The reserved decisions were handed down in August 2017. Final compensation orders for the residents were satisfactory at \$170k and \$145k respectively. Costs were settled between the parties. The decisions are published as *Allen & Anderson & Byng v Tricare (Hastings) Ltd & Tucker v Tricare (Hastings) Ltd* [2017] NSWCATCD 72 (9 August 2017).

Providing support to the Network of Tenants' Advice and Advocacy Services (TAASs) is a core part of our work. In addition to regular legal back up and training (described elsewhere in this Annual Report), we provide key infrastructure such as the TAAP Portal and Network Meetings.

BIENNIAL SURVEY BY TAASs OF TU PERFORMANCE

Over March and April 2018 we conducted our Biennial survey of Tenants' Advice and Advocacy Services (TAASs) to ascertain their views on our performance.

Overall, our work was rated highly. Most respondents rated us very good to excellent on timeliness, quality, and relevance of legal support. Respondents said the strengths of the Tenants' Union are:

- Knowledge and experience
- Approachability
- Providing critical information when needed
- Useful, affective and realistic advice
- Knowledge of how the law works in both city and regional situations
- Willing to give time to finding an answer
- Assist in complex issues

The results from the survey will inform improvements to our operations and the next survey will be conducted in 2020.



Tenant Advocates and Tenants' Union staff at the TAAS Network Meeting in March 2018.

MOST COMMON MATTERS ACROSS THE TAAS NETWORK



TERMINATION

35% of cases
40% of sessions



RENT

25% of cases
30% of sessions



BOND

23% of cases
23% of sessions



REPAIRS

22% of cases
29% of sessions



MISC.

20% of cases
49% of sessions



TRIBUNAL

15% of cases
24% of sessions



PRIVACY

10% of cases
11% of sessions



SOCIAL HOUSING

9% of cases
22% of sessions



AGREEMENTS

6% of cases
8% of sessions



SHARE HOUSING

3% of cases
2% of sessions



LAND LEASE

2% of cases
2% of sessions



BOARDERS

1% of cases
1% of sessions

TOTAL CASES: 27,272 • TOTAL SESSIONS: 97,031 • July 2017 to June 2018

TAAP DATABASE

The TAAP database has been in operation for just over two years. 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. This year there has been an overall increase of around 8% in cases and around 17% increase in sessions, at 97,031.

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.

TAAP PORTAL

The TAAP Portal continues to be a valuable resource for Tenant Advocates. This central online portal allows Advocates around the state to engage in discussion forums, access resources, apply for training with the TU and access news relevant to the Network.

TAAS NETWORK MEETINGS

Three Network Meetings were held in 2017-2018, with Katoomba 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.



At the TAAS Regional Network Meeting in 2017, Tenant Advocates and Tenants' Union staff listening to Aunty Lyn Stranger speaking at The Gully – a special Aboriginal Place near Katoomba.

In the area of legal and tenancy matters, topics at the Network Meetings included:

- Residential Tenancies Act review
- Public Housing transfers
- TAAP Community Portal
- Legal Capacity
- Discrimination in Land Lease Communities
- Tenancies and utility issues
- Skills and tips for examination and cross-examination in NCAT
- Tribunal matters
- Anti-Social Behaviour Legislation
- Retaliatory evictions
- Bonds – private and social housing
- Legal case updates
- Community education

We conducted a review of the Network Meeting format and trialled improvements during the year.

Each year we acknowledge the outstanding work of Tenant Advocates at the Regional Conference. In 2017 the Awards went to:

- **David Maloney**, Eastern Area Tenants Service
- **Ned Cooke**, Inner Sydney TAAS
- **Naomi Hare**, South West Sydney TAAS
- **Kylie Pack**, Hunter TAAS
- **Stephen Fields**, Greater Sydney Aboriginal Tenants Service
- **James Keech**, South West Sydney TAAS
- **Linda Grady**, New England and Western TAAS
- **Jacinta Ryan**, South West NSW TAAS

Awards for contribution to policy went to Franya Repolusk, Western Sydney Tenants Service, and to the Greater Sydney Aboriginal Tenants Service.

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 engaging with decision-makers and so on – the Tenants' Union also has a policy of proactively visiting each TAAS at least once every two years. These visits are vital for us 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. In the year 2017-2018 we conducted 11 formal service visits, almost double the previous year.



Aboriginal Tenant Advocates, Dtarawarra staff, and Tenants' Union staff at the Koori Conference in February 2018.



In March 2018 Western Sydney Tenants' Service (WESTS) celebrated their 10 year anniversary at Western Sydney Community Legal Centre (WSCLC). Pictured left to right: Maria Girdler (WSCLC Director), Robert Mowbray (Tenants' Union Project Officer – Older Tenants), Franya Repolusk (WESTS Coordinator), and Dr Geoff Lee (Member for Parramatta and Parliamentary Secretary for Western Sydney and Multiculturalism).

Robert Mowbray and Julie Foreman were pleased to represent the Tenants' Union and speak at the celebratory event.

The Tenants' Union provides an extensive program of high quality education and training to Tenant Advocates, community workers and tenants. We are an accredited Registered Training Organisation and our expertise in the area of tenancy is well recognised.



At the Tenancy Advice & Advocacy Training. Pictured left to right: Feras Suwan (Western Sydney Tenants' Service), Nikki Perry (Southern Sydney TAAS), Grant Arbuthnot (TU Principal Legal Officer), Paulina Monforte (TU Administration Officer), and Anthea Tse (TU volunteer).

ADVOCATE TRAINING

We trained 179 Tenant Advocates and volunteers in 2017-2018. Regional and Koori Advocates continue to access our training in significant numbers and an increase in Koori Advocate attendance is attributed to the implementation of regular, targeted training delivered by the Legal Officer – Aboriginal Support and the Aboriginal Paralegal during Aboriginal TAAS service visits.

Courses range from half a day to three days and included:

- Introduction to Tenancy Advice and Advocacy (x3)
- Aboriginal Cultural Awareness
- Land Lease Communities law
- Introduction to NSW Civil and Administrative Tribunal (NCAT)
- NCAT – Formal hearings
- NCAT – Appeals
- Consumer Claims and Tenancy
- Boarding Houses Act
- Social Housing
- Community Education

- Hoarding
- Using the TAAP Database

Evaluations from the individual training courses are positive overall. They are discussed and reflected on by the trainers after each course, followed by modifications to the training where appropriate.

TENANT AND COMMUNITY EDUCATION AND TRAINING

In addition, on our own and in partnership with others we provided training/information sessions to over 1,120 tenants, community members, students, community organisation staff and the legal profession:

- Tenancy Law for Non-Lawyers delivered in conjunction with the Public Interest Advocacy Centre (PIAC)
- Training of community workers in introduction to tenancy law
- Training land lease community residents in relevant law
- Training sessions: for volunteer lawyers at PIAC's Homelessness Legal Service; for Law Access staff on popular tenancy problems; and for Fair Trading staff on common tenancy issues in the Tribunal
- Presentations: to local community alliance REDWATCH on the current policy framework for social housing; to St Vincent de Paul Social Justice Forum on rental law; to planning and architectural students at the Urban Housing Lab; to lawyers and planning professionals at the Environmental Planning and Law Conference; to community lawyers on evaluation of legislative change in housing law; to UNSW Summer School law students on housing law

- Stalls at: NAIDOC community events; Yabun Festival; Redfern Neighbourhood Advisory Day; Newtown Festival; Ultimo Fair; Youth Homelessness Day; and City of Sydney Lord Mayor's Reception for international students

KNOW YOUR RIGHTS AS A TENANT WORKSHOPS

The Tenants' Union received a grant from Multicultural NSW to deliver 10 'Know Your Rights as a Tenant' workshops with four Culturally and Linguistically Diverse (CALD) communities in NSW with the highest proportions of renter households. The Tenants' Union contracted Ethnic Communities Council (ECC) to deliver the workshops. The CALD communities identified through 2011 Census data on language spoken at home by renter households in NSW were Chinese (Mandarin and Cantonese), Arabic (including a session targeted for Assyrian renters), Vietnamese and Korean. The workshops were delivered by ECC multicultural educators trained by the Tenants' Union. An Advocate from a local Tenants' Advice and Advocacy Service (TAAS) also attended each workshop.

Participants at the workshops evaluated them highly. All participants said that before they attended their knowledge about their rights as a tenant was not good and they did not know where to go to get this information. All participants said their knowledge of their rights as a tenant had improved through the workshop, and they appreciated knowing that there were free advice services to which they could go for information and support.

The workshops confirmed the need for tenancy information targeted for CALD communities, particularly new migrant communities. Participants and the educators also identified innovative ways to get this information to CALD tenants. The Tenants' Union is looking at undertaking more work in the area.



Jess Massa (TU Legal Officer – Aboriginal Support), Ned Cooke (Tenant Advocate at Inner Sydney TAAS), and Paul van Reyk (TU Senior Resources Officer), staffing a Youth Homelessness Matters Day stall.



Zachary Armytage (CLCNSW Aboriginal Legal Access Program Coordinator), John Mewburn (TU Aboriginal Paralegal), and Mark Riboldi (CLCNSW Advocacy & Communications Manager), at a Yabun Festival stall.



Julie Foreman (Tenants' Union Executive Officer), right, with international students at the Tenants' Union stall at the Sydney Lord Mayor's Reception for International Students.



Paul Smyth (TU Residential Parks Legal Officer), and Cass Wong (TU Litigation Solicitor), at left, leading a mock hearing during the NCAT Formal Hearings training in August 2017.

REGISTERED TRAINING ORGANISATION COMPLIANCE

The Tenants' Union has successfully re-registered as a Registered Training Organisation for the next seven years.

All national annual declarations and reporting were successfully submitted. Our workplace TAAP assessors are upgrading their vocational competencies and we have also finalised our Memorandum of Understanding (MOU) with Tenants Queensland enabling them to provide nationally recognised units of competency.

Eight out of 11 students enrolled in CHC42015 Certificate IV in Community Services completed their qualification.

The Australian Quality Training Framework (AQFT) surveys for Certificate IV students were collected and reported on; students commented positively on the relevance of the training as well as appreciated its flexible delivery.

Feedback from training participants

"Thanks! I Really think this training will help me deliver better services and give more relevant referrals"

– Tenancy Advice and Advocacy Training participant, February 2018

"Thank you! Very beneficial for my casework/advocate role"

– Tenancy Advice and Advocacy Training participant, February 2018

"Really glad I attended, this will be very useful"

– Advanced Land Lease Communities Training, March 2018

"Was really impressed! I think it's valuable to have a mix of services attending, not just TAAS. More knowledge sharing!"

– Boarding Houses Act Training participant, June 18

What was the best thing about the Certificate IV training?

"The trainer's skill, flexibility and understanding of participants work context"

"Well organised, time flexible, covers all the basics we need to continue training"

"Face to Face sessions with Trainer/Training Coordinator"

"Ability to do it in my pace"

"That it was tailored, realistic and supportive"

The Tenants' Union produces a range of accurate and accessible materials on tenancy law and related matters. Our resources are widely used and respected – hundreds of thousands of tenants and community workers access them every year.

This year the TU conducted a survey of people who subscribe to our range of online and print resources. We had 276 responses – a high response rate, representing over 10% of all subscribers. Key findings include:

- 70% regularly visit tenants.org.au
- 97% said the resources are important because they provide information on the legal rights of renters and residents of land lease communities
- 97% said the resources are important for staying up to date with changes in the law
- 94% said the resources are important for their analysis of law and policy
- 93% said the resources are important for their research on renter and park resident issues
- 90% rated the work of the Tenants' Union as good or excellent

New publications this year include:

- *Tenant News* #115: Special edition – public and community housing
- *Tenant News* special bulletin: David and Goliath – One tenant's 14 year battle for repairs. This bulletin reported on the landmark public housing repairs case, *Bott v NSW Land & Housing Corporation*
- Information Sheets: *Warrants for Possession in Tenancy Law and The Gap in NCAT's jurisdiction*.
- Suite of resources for Aboriginal tenants developed in consultation with Aboriginal Tenancy Services including: *Rent strikes v repairs*, *Understanding your tenancy agreement* and *Interstate referral guide for Aboriginal tenants*



90% of subscribers rated the work of the Tenants' Union as 'good' or 'excellent.'



Rent Tracker

We continued to publish our *Rent Tracker* series, which brings together multiple sources of information in order to give tenants, journalists and decision-makers a clear and easy way to understand rent movements in NSW. Rent Tracker had 785 page-views with 50 percent of visitors continuing to other pages on the site.

We launched our new *Rent Tracker Postcode Tool* enabling tenants to check the latest rent data for any postcode or region in NSW using data directly from the Rental Bond Board. The tool is kept up to date with the data release by NSW Fair Trading each month. Tenants can use the tool to see how many bonds have been lodged in the previous three months and what the range of rents was based on dwelling type and bedroom number which gives insight in working out what they might save or lose in moving to different areas, or disputing rent increases. We continue to develop and improve this tool.

Residential Land Lease Communities

This year three issues of *Outasite Lite* e-bulletin were published, reaching approximately 800 subscribers and covering a review of legal developments in 2017, oral contracts and electricity usage charges.

We published one issue of *Outasite*, our print publication for land lease community home owners. 5,700 copies were distributed to subscribers across NSW. The feedback was overwhelmingly positive with one reader calling it "Pulitzer worthy".



Tenants rights online

Engagement with tenants.org.au is substantial with 858,753 unique sessions – a modest increase on 2016-2017.

The factsheets were downloaded or viewed 819,826 times.

The most popular factsheets were:

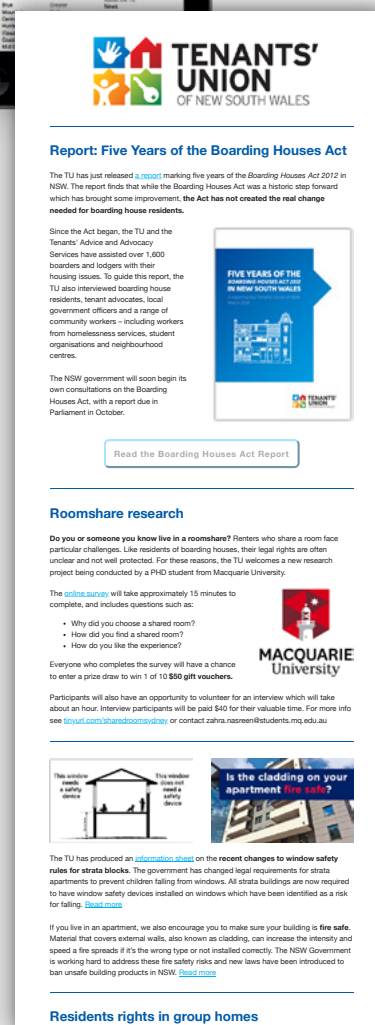
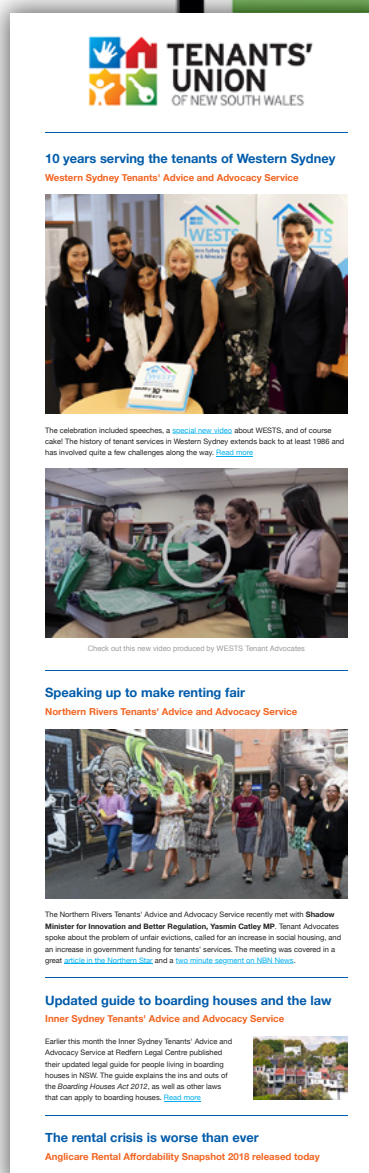
- *You want to leave* (Factsheet 9)
- *Residential Tenancies Act* (Factsheet 1)
- *Bond* (Factsheet 3)
- *Repairs and Maintenance* (Factsheet 6)
- *Landlord ends agreement* (Factsheet 10)

The online *Tenants Rights Manual*, hosted by the State Library of New South Wales, recorded 114,945 page views, an increase of approximately 50 percent over two years.

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 is a Board Member.

Tenants' Union e-bulletin

The number of subscribers to our Tenants' Union e-bulletin continues to grow, increasing from 1,252 in June 2016 to 1,536 in June 2018, an increase of approximately 25 percent over two years. This is in keeping with the observed trend for individuals and organisations to engage increasingly with more regular digital information platforms. Seven issues of the e-bulletin were published. Content included quizzes for improving tenancy knowledge, tenancy rights in group homes, boarding houses, apartment safety, the work of Tenant Advocates, key legal decisions, repairs in public housing, NSW Budget analysis, bond insurance products, energy and climate issues, the 'Make Renting Fair' campaign, rent tracker, and the NSW rental crisis.





Tenants' Union on social media

Our presence on social media continues to grow, with 4,246 likes on the main Tenants' Union Facebook page at end of June 2017, increasing by 548 over the financial year. Our Twitter account had 1,986 followers at the end of June 2017.

On the Brown Couch Blog, we posted 30 times and saw 6,735 unique visits in 2017-2018.

facebook

 **4,246**
followers

 **250**
posts
(including shares of other users' posts)

 **1,329**
engaged users per month
(people who liked, shared, commented on, or clicked on a Tenants' Union post)

 **9,905**
impressions per month
(number of times TU posts were shown to users)

twitter

 **1,986**
followers

 **87**
tweets
(not including retweets of other users)

 **713**
favourites

 **636**
retweets

The Tenants' Union works for change through high quality research, policy development and advocacy on tenants' needs. We undertake both proactive and responsive activities in order to ensure the effectiveness of our policy and advocacy work.

Key areas of focus this year were:

- Campaigning for fair renting laws
- The challenges and opportunity of the "Build to Rent" sector
- Short-Term letting
- Rental affordability, with a focus on low-income renters in the private rental market
- 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. The Make Renting Fair campaign was a significant area of our work (see page 30).

We prepared a Parliamentary briefing paper on the *Residential Tenancies Act 2010* Review and continue to provide feedback and input to the NSW Government, Opposition and other parties regarding changes to the Act.

LAND LEASE COMMUNITIES

We work with resident representatives, Tenant Advocates, solicitors and other organisations to improve the rights of community residents. Our work is informed and amplified by the Tenants' Union convened Residential Parks Forum which met four times this year.

At the request of forum members we produced an Advocate Toolkit, designed to assist resident advocates with their work at NCAT. The kit provides guidance on advocacy, the law, legal research and NCAT applications and procedure.

Our primary focus this year has been electricity usage charges. There were differing views about how charges may be levied against home owners. The TU has worked with key agencies to provide clarity, supported NCAT applications and assisted home owners at the NCAT Appeal Panel and in Supreme Court proceedings.

We also convened the Parks Legal Working Group which met twice to identify our priority areas for law reform, and to determine how we would progress work on electricity usage charges in order to achieve a positive outcome for home owners in land lease communities.



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.

In November 2017 we made a submission to the Senate Standing Committee on Community Affairs Inquiry into the Social Services Legislation Amendment (Housing Affordability) Bill 2017. The Automatic Rent Deduction Scheme (ARDS) as proposed by this Bill if passed will have a detrimental impact on arrears and debt management processes employed by social housing landlords in NSW. It has strong potential to reduce fairness and transparency across social housing tenancy management systems, and this will be keenly felt by tenants in social housing – whether or not they are referred to a compulsory ARDS.

We argued the introduction of the proposed ARDS is not an appropriate or proportionate response. It will remove agency from social housing tenants and prevent them from being able to manage their own finances. It will add layers of complexity to social housing tenancy agreements where allegations of end-of-tenancy costs or rent arrears are made, and in many cases will place vulnerable households under extreme financial stress in a way that is simply not warranted.

The government response has been published in October 2018, with several of the sector's recommendations being taken on board.

We liaised with colleagues across the sector to discuss and raise concerns

about proposed rental bonds for public housing tenancies, including the imposition of additional costs at the beginning of a tenancy would only set already vulnerable households on the path to further hardship.

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. We will employ a Project Officer to consult with social housing tenants and other stakeholders across NSW to inform the development of best practice from a tenant perspective, and make recommendations for changes in law, policy and practice in tenancy management transfer. The project will be funded by the Law and Justice Foundation of NSW.

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.

ABORIGINAL POLICY PLATFORM

As a non-Aboriginal service with deep interest in the experience of Aboriginal tenants in NSW, and with the opportunity to help make a difference, the Tenants' Union of NSW has long grappled with how we can best address issues for Aboriginal and Torres Strait Islander people who rent without continuing the injustice of speaking over, instead of for, Indigenous communities. This was the starting point of our work to create an Aboriginal Renting Policy Platform.

The work in developing the platform is currently being carried out by Dtarawarra Pty Ltd, and with regular consultation with the Aboriginal Advisory Committee, on our behalf to ensure Aboriginal and Torres Strait Islander voices lead its development.

The process of developing a platform from which to base our work explores all aspects of the Indigenous renting experience – from private sector and the social housing sector which includes public housing, community housing, and the Aboriginal community housing sector – for the purpose of advocating for Indigenous housing justice. This requires an accounting of both historic and present-day injustices, including dispossession, discrimination and exclusionary decision-making processes.

BOARDING HOUSES

In March 2018 we published a report on the first five years of the *Boarding House Act 2012*. Section 105 of the Act requires the Minister to review the Act before November 2018, to determine whether its policy objectives remain valid and its terms remain appropriate. The report was intended to assist the Minister in this process.

We consulted with residents of boarding houses, local government and other advocacy services including university student organisations, neighbourhood centres & homelessness legal services.

Looking to the future, the Act will need to be strengthened to realise its aim in providing an appropriate regulatory framework for the delivery of quality services to residents. Incentives for registration must be increased, and rights must be made clear and genuinely accessible to residents. Deficiencies in the compliance and enforcement framework need to be remedied.

GROUP HOMES

In February and March 2018 Shelter NSW and the Tenants' Union of NSW held consultation forums across NSW to hear from residents, their families and

others to assist in the response to a range of options concerning new protections for residents of long term supported group accommodation. The protections became an issue for government to consider as it transferred services for people with disability, including the management of supported group homes, to the non-government sector as part of the National Disability Insurance Scheme.



Karen Walsh (Shelter NSW Executive Officer) and Ned Cutcher (then Tenants' Union Senior Policy Officer), presenting at one of the group homes consultation forums.

During the consultation forums, 58 people were engaged across eight regions; Penrith, Newcastle, Sydney, Coffs Harbour, Wollongong, Liverpool, Newcastle and Albury. Participants were mostly family members of people with disability who live in long term supported group accommodation.

The consultation forums revealed a high level of concern about the proposed transfer of supported group accommodation to the non-government sector, and uncertainty about the current direction of housing policy in NSW for people with disability. Findings from the consultation forums suggested there is strong support for better protections for residents of long term supported group accommodation.

The Tenants' Union is frequently asked for comment on housing matters by media, government and non-government organisations. We are widely recognised as the lead voice on tenants issues in NSW.



In April 2018, ABC National Wrap included a 14 minute segment on renting and tenants' rights which featured Leo Patterson Ross (Tenants' Union Senior Policy Officer). Leo made the case that no renter should be evicted from their home without a reason.

MEDIA ENGAGEMENTS

Significant media interest in issues that are the focus of our work has seen the Tenants' Union increase our media engagement in the last year with over 130 approaches. Highlights include:

- 11 live to air and 8 recorded radio interviews
- 5 recorded television interviews
- Quoted in 38 print media articles, including 4 opinion pieces
- Plus a number of media briefings

Topics covered included:

- Growing population of renters
- Tenants' rights
- Affordable housing and government responses
- No grounds terminations
- Minimum standards in rentals
- Impact of Airbnb
- Rent bidding, bond alternatives, and other 'proptech'
- Tribunal jurisdiction
- Law reform proposals
- Build-to-let

We continue to enjoy a high level of engagement on our policy blog and social media platforms (refer to Communication & resources, page 21).

INFLUENCING KEY DECISION MAKERS

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

- Office of The Hon. Matthew Kean MP, Minister for Innovation and Better Regulation
- Office of The Hon. Mark Speakman MP, NSW Attorney-General
- Luke Foley MP, NSW Opposition Leader
- Yasmin Catley MP, Shadow Minister for Innovation and Better Regulation
- Jenny Leong, NSW Greens housing spokesperson
- Staff and Councillors at Randwick and Inner West Council
- Andrew Gavrielatos, Deputy Commissioner NSW Fair Trading
- NSW Fair Trading Property Services
- NSW Department of Finance and Services, Regulatory Policy
- Real Estate Institute of NSW
- Family and Community Services
- Community Housing Industry Association

RELATIONSHIPS WITH TENANTS AND NON-GOVERNMENT ORGANISATIONS ON STRATEGIC ADVOCACY

We engage with a range of organisations to further our mission by hearing of tenant and other renters experiences or advocating for tenants interests. These can include ongoing networks and relationships or one-off events. In 2017-18 they included:

- Energy & Water Ombudsman NSW (EWON) Consultative Council



- NCAT Consultative Committee
- Cooperative Legal Service Delivery Program Steering Committee (Legal Aid NSW)
- Millers Point Advisory Board
- Energy & Water Consumer Advocacy Program reference group
- NGO Housing and Homelessness Alliance
- Groundswell: Alliance of community organisations working with tenants on the impact of social housing renewal in Waterloo
- Sydney Alliance assemblies and Housing Affordability Working Group
- Liaison with tenant organisations in other states through the National Association of Tenants Organisations
- Residential Parks Forum

- Parks Legal Working Group
- Newtown Neighbourhood Centre Boarding Houses Roundtable
- Co-convened Law Reform and Policy Committee of CLCNSW
- Discussions with Tenant Participation Service auspice organisations re engagement in program consultations
- Engaged with Owner's Corporation Network regarding short-term lets

The Tenants' Union 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, including Waterloo Public Housing Action Group, Community Housing Tenant Network and Action for Public Housing.

The Sydney Alliance welcomes the Tenants' Union as a member. Pictured: Julie Foreman (TU Executive Officer) and Jemima Mowbray (TU Policy and Campaigns Officer) with other Alliance representatives.

The Sydney Alliance is a diverse coalition of community organisations, faith-based organisations, unions and schools working together to create positive change in our communities.

sydneyalliance.org.au

We launched the Make Renting Fair campaign at the beginning of July 2017 with 30 endorsing organisations. This has grown to more than 100 organisations. Reforming unfair evictions has also become a campaign point for the Sydney Alliance and the Everybody's Home campaigns.

As more people are renting, and renting for longer, the need to make rental laws fairer has prompted fair renting campaigns in most states and territories. Renters don't experience the same security and comfort in their homes as homeowners. Many are constantly worried about losing their home and feel powerless to assert their rights.

The Make Renting Fair campaign has succeeded in putting renters' rights firmly on the agenda. In particular, the issue of unfair evictions has been established as a key concern in public debates around tenancy and housing.

Over the year, the TU organised a range of actions and activities to advance the campaign including:

- Briefing Matt Kean MP, Minister for Innovation and Better Regulation
- A parliamentary briefing on the issue in October 2017, co-hosted by Jenny Leong, David Mehan and Alex Greenwich
- A petition with almost 2,000 names – collected online and also at local events such as the Newtown and Surry Hills Festivals, Yabun, and NAIDOC week events.
- Over 1,100 emails sent to MPs in the lead-up to the Parliamentary debate in 2018.
- The Fair for Everybody event at Parliament – see facing page.

The Make Renting Fair website had 15,238 visits over the year, the Facebook page grew to 1,048 likes by the end of June 2018, and the Twitter account to 391 followers.

For more about the campaign check out rentingfair.org.au



Kristy (centre) is a tenant in Western Sydney. She publicly told the story of her unfair eviction as part of the Make Renting Fair campaign. Kristy is pictured with Yasmin Catley MP (left, Shadow Minister for Innovation and Better Regulation and Member for Swansea), and Ned Cutcher (right, then Tenants' Union Senior Policy Officer).

Kristy is a single mum with three kids, and she also cares for her own mum who has a disability. Kristy's family had been living in their home in Oatlands for four years, but the house had a serious mould issue which had been recurring for over two years. The landlord sent tradespeople, but never solved the real problem despite repeated requests. They painted over the mould three times; it reappeared each time. During a storm, a massive leak caused extensive damage to Kristy's furniture and belongings and meant that half of the house was uninhabitable for eight months. The landlord then demanded \$3,000 from Kristy to pay for damages to the carpet! Eventually, after Kristy's repeated requests for repairs, the landlord instead sent her a 90 day no grounds eviction notice. Kristy had to move right before Christmas and her daughter's birthday.

Luckily, Kristy found another home to rent. She also got tenancy advice from the Western Sydney Tenants Service, who assisted her to make an application to the NSW Civil and Administrative Tribunal for compensation, rent reduction and bond.

Kristy told her story at an event in October 2017 to Labor MPs and media. Her story was featured by a number of news outlets, including Channel 7 and Channel 10. On the same day NSW Labor announced that they would commit to ending no grounds evictions.



Fair for Everybody event at NSW Parliament

In September 2018 the Tenants' Union participated in a special event at NSW Parliament, organised by the Make Renting Fair and Everybody's Home campaigns. The event brought together renters, housing academics, campaign supporters, and MP decision makers. The event was a success with over 80 attending to show support for the campaign, including dozens of MPs and advisers.



Keith (pictured left), was one of the key speakers at the Fair for Everybody event. He's a renter who's lived in 7 homes over the last 10 years. He told the audience:

"I am sick and tired of being forced to move. I've figured out that each time we move it has cost us around \$3,000. No grounds evictions have totally disrupted my family's life."

Other speakers at the event included Dr Emma Power (Senior Research Fellow in Geography and Urban Studies at WSU), who spoke about her research on the experiences of older women renters, and Russell Rodrigo, a property investor, who spoke about how ending unfair evictions would be in landlords' interests too – by fostering better relationships and improved stability.

Yasmin Catley MP, Jenny Leong MP and Alex Greenwich MP co-hosted the event and spoke about their support for ending unfair evictions.



CHANGES MADE TO THE RESIDENTIAL TENANCIES ACT

In October 2018, the NSW Legislative Council debated tenancy reforms. Disappointingly, an amendment that would have protected renters against unfair evictions was voted down. The Tenants' Union views the Government's failure to scrap 'no grounds' evictions as a significant missed opportunity.

However the Bill as passed does include important reforms and has made progress for renters in NSW.

Most significantly it introduces changes to the Residential Tenancies Act that make it easier for survivors of domestic violence who rent to leave a violent situation and end a tenancy without penalty. These important reforms are the result of strong campaigning and advocacy efforts led by Women's Legal Service NSW.

The Government's Bill also included good reforms that were not on the table at the start of the current review of tenancy laws, before the Make Renting Fair campaign was launched. These reforms include:

- Introducing minimum standards for properties to ensure premises are truly fit for habitation
- Limiting rent increases to once a year
- Repairs inspectors from Fair Trading to assess the need for repairs and make rectification orders



Community support for Make Renting Fair from the Community Housing Tenant Network (left) and Newtown Festival goes (right).

The Tenants' Union continues 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.

Over the past year we have continued strengthening our organisation through:

- Effective governance by a well-informed Board, who met seven times during the year. A skills audit conducted in August resulted in recruitment of two new members and a facilitated review day was held in January 2018
- Financial solvency & risk management, including seven meetings of the Board Finance Committee
- Reviewing and updating our policies and procedures in the light of changes to laws, regulations and best practice in the not-for-profit sector
- Regular performance monitoring of the organisation as a whole, and of staff at monthly supervision
- Staff professional development and support through training, facilitated discussions, attendance at conferences and the Get Healthy at Work program
- Cultural safety for Aboriginal and Torres Strait Islander staff and clients
- Commitment to diversity in the workplace across board, staff and volunteers, ensuring that our services are accessible by tenants from diverse backgrounds
- Support for campaigns, including Stand By Me, Bring Them Here, and We Live Here
- Engagement with the broader sector and stakeholders, through activities including the Make Renting Fair Campaign, co-hosted events with Shelter NSW and CLCNSW steering committees
- Engagement with academic research at Macquarie University, Sydney University, University of Queensland, University of NSW and University of Wollongong
- Provision of information, liaison and meetings with media and politicians.



TU staff at our annual Staff Reflection Day. The artwork behind staff is Flying Fox Story Place created by Alair Pambergan.

TREASURER'S REPORT

I am pleased to present the audited financial statements for the year ended 30th June 2018. This financial year has a surplus of \$81,418 compared with a surplus of \$42,285 in the last financial year ended 30th June 2017.

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, 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 \$1,825,936.

The financial position of the organisation remains sound with a positive net equity of \$204,375. 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 2018.

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 due 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 and as such are working hard to broaden the scope of income and at the same time realistically looking at careful cost control.

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



A handwritten signature in black ink, appearing to be 'CJ' with a stylized flourish at the end.

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 30th June 2018.

General information

Directors

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

Paula Rix (Vice-Chair)
Julia Davis (Chair)
Charmaine Jones (Treasurer)
Donna Brotherson (Secretary)
Nicole Grgas
Aideen McGarrigle
Jennifer Rignold
Lisa Smaljev
Ruth Simon
Maree O'Halloran

Review of operations

The surplus of the cooperative for the financial year amounted to \$81,418.

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.

FINANCIAL STATEMENTS

TENANTS' UNION OF NSW CO-OPERATIVE LIMITED | ABN 88 984 223 164

DIRECTOR'S REPORT FOR COOPERATIVE

Co-operatives National Law section 278

Information on Directors

Paula Rix	Vice-Chairperson & Director
Julia Davis	Chairperson & Director
Charmaine Jones	Treasurer & Director
Donna Brotherson	Secretary & Director
Nicole Grgas	Director
Aideen McGarrigle	Director
Jennifer Rignold	Director
Lisa Smaljov	Director
Ruth Simon	Director
Maree O'Halloran	Director

Attendance at Meetings

	Meetings Eligible	Meetings Attended	Apologies
Paula Rix	7	6	1
Julia Davis	7	7	-
Charmaine Jones	7	6	1
Donna Brotherson	7	5	2
Nicole Grgas	7	5	2
Aideen McGarrigle	7	6	1
Jennifer Rignold	3	0	3
Lisa Smaljov	7	4	3
Ruth Simon	3	1	2
Maree O'Halloran	4	4	0

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 26th October 2018

Director signature



Director name Paula Rix

Director signature



Director name Charmaine Jones

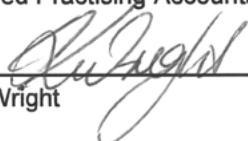
**AUDITOR'S INDEPENDENCE DECLARATION
UNDER SECTION 307C OF THE CORPORATIONS ACT 2001
TO THE DIRECTORS OF
TENANTS' UNION OF NSW CO-OPERATIVE LIMITED**

In accordance with the requirements of section 60-40 of the Australian Charities and Not-for-profits Commission Act 2012, as auditor of the Tenant's Union of NSW Co-operative Limited for the the year ended 30 June 2018 I declare that, to the best of my knowledge and belief, there have been:

- (i) No contraventions of the auditor independence requirements of the Australian Charities and Not-for-profits Commission Act 2012 in relation to the audit; and
- (ii) no contraventions of any applicable code of professional conduct in relation to the audit.

Name of Firm: Meagher Howard & Wright
Certified Practising Accountants

Name of Partner:


Ken Wright

Address: Suite 506, 55 Grafton Street BONDJ JUNCTION NSW 2022

Dated this th26 **day of October 2018**

FINANCIAL STATEMENTS

TENANTS' UNION OF NSW CO-OPERATIVE LIMITED | ABN 88 984 223 164

STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2018

	Note	2018 \$	2017 \$
Income			
Revenue		1,825,936	1,658,133
Expenditure			
Occupancy expenses		(105,385)	(102,386)
Other expenses		(1,639,133)	(1,513,462)
		<u>81,418</u>	<u>42,285</u>
Surplus for the year	3	<u>81,418</u>	<u>42,285</u>
Surplus for the year		<u>81,418</u>	<u>42,285</u>

The accompanying notes form part of these financial statements.

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2018

	Note	2018 \$	2017 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	4	1,770,689	609,850
Trade and other receivables	5	11,138	4,077
Other current assets	6	11,319	1,440
TOTAL CURRENT ASSETS		1,793,146	615,367
NON-CURRENT ASSETS			
Trade and other receivables	5	23,962	23,962
Furniture, Fixtures and Equipment	7	10,938	15,938
TOTAL NON-CURRENT ASSETS		34,900	39,900
TOTAL ASSETS		1,828,046	655,267
LIABILITIES			
CURRENT LIABILITIES			
Trade and Other Payables	8	279,150	180,128
Funds Unexpended	9	1,112,825	127,583
TOTAL CURRENT LIABILITIES		1,391,975	307,711
NON-CURRENT LIABILITIES			
Provisions	10	231,696	224,599
TOTAL NON-CURRENT LIABILITIES		231,696	224,599
TOTAL LIABILITIES		1,623,671	532,310
NET ASSETS		204,375	122,957
EQUITY			
Retained earnings	11	204,375	122,957
TOTAL EQUITY		204,375	122,957

The accompanying notes form part of these financial statements.

FINANCIAL STATEMENTS

TENANTS' UNION OF NSW CO-OPERATIVE LIMITED | ABN 88 984 223 164

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2018

	Retained earnings \$	Total \$
Balance at 1 July 2016	80,672	80,672
Profit attributable to equity shareholders	42,285	42,285
Balance at 30 June 2017	122,957	122,957
Profit attributable to equity shareholders	81,418	81,418
Balance at 30 June 2018	204,375	204,375

The accompanying notes form part of these financial statements.

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2018

		2018 \$	2017 \$
CASH FLOWS FROM OPERATING ACTIVITIES	Note		
Receipts from funders and other receipts		3,122,196	2,014,329
Payments to suppliers and employees		(1,968,172)	(1,895,447)
Interest received		6,815	6,413
Net cash provided by operating activities	12	<u>1,160,839</u>	<u>125,295</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for property, plant and equipment		-	(2,670)
Net cash provided by (used in) investing activities		<u>-</u>	<u>(2,670)</u>
Net increase in cash held		1,160,839	122,625
Cash at beginning of financial year		633,812	511,187
Cash at end of financial year	4	<u>1,794,651</u>	<u>633,812</u>

The accompanying notes form part of these financial statements.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018

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 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 2018

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 2018

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)

Revenue, 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 balance sheet.

Cash flows in the cash flow statement are included on a gross basis and the GST component of cash flows arising from investing or financing activities which is recoverable from, or payable to, the taxation authority is 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 2018

	2018 \$	2017 \$
3 Surplus for the year		
Surplus from continuing operations includes the following specific expenses:		
Expenses		
Employee benefits expense:		
contributions to defined contribution superannuation funds	120,353	109,951
Depreciation of property, plant and equipment	5,000	6,000
Audit Fees	5,500	4,500
4 Cash and Cash Equivalents		
Cash in Hand	600	600
Cwlt Bank Cheque Account	45,435	41,175
Cwlt Bank Online Saver	1,716,897	564,778
Cwlt Bank - Direct Debit	7,757	3,297
	<u>1,770,689</u>	<u>609,850</u>
5 Trade and Other Receivables		
Current		
Trade Debtors	11,138	3,931
GST Credits	-	146
	<u>11,138</u>	<u>4,077</u>
	<u>11,138</u>	<u>4,077</u>
Non-Current		
Bank Guarantee Deposit	<u>23,962</u>	<u>23,962</u>
The carrying value of trade receivables is considered a reasonable approximation of fair value due to the short term nature of the balances.		
6 Other Assets		
Current		
Prepayments	<u>11,319</u>	<u>1,440</u>

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018

	2018 \$	2017 \$
7 Furniture, Fittings and Equipment		
Furniture, Fixtures and Equipment		
At cost	198,066	198,066
Accumulated depreciation	(187,128)	(182,128)
Total Furniture, Fixtures and Equipment	10,938	15,938
8 Trade and Other Payables		
Current		
Accrued Expenses	5,250	4,500
Other Creditors	402	-
PAYG Liability	17,041	13,457
Superannuation	10,287	10,720
TU Staff Social Club (3rd Party Funds Holding Acc)	3,080	3,113
GST Credits	82,884	-
Provision for Annual Leave	131,009	119,142
Provision for Sick Pay	29,197	29,196
	279,150	180,128
The carrying amounts are considered to be a reasonable approximation of fair value.		
9 Funds Unexpended		
Current		
Funds Unexpended	1,112,825	127,583
Total Funds Unexpended	1,112,825	127,583

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018

	2018 \$	2017 \$
10 Provisions		
Non-Current		
Provision for LSL	106,372	99,275
Provision for Redundancy	95,714	95,714
Provision for Parental Leave	29,610	29,610
	<u>231,696</u>	<u>224,599</u>
11 Retained Earnings		
Retained earnings at the beginning of the financial year	122,957	80,672
Surplus attributable to the Co-operative	81,418	42,285
Retained earnings at the end of the financial year	<u>204,375</u>	<u>122,957</u>
12 Cash Flow Information		
Reconciliation of Cash Flow from Operations with Surplus		
Surplus	81,418	42,285
Non-cash flows in profit		
Depreciation	5,000	6,000
Changes in assets and liabilities, net of the effects of purchase and disposal of subsidiaries		
(Increase)/decrease in other assets	(9,879)	1,724
(Increase)/decrease in trade and other receivables	(7,061)	4,215
Increase/(decrease) in trade and other payables	99,022	14,141
Increase/(decrease) in provisions	7,097	8,411
Increase/(decrease) in other liabilities	985,242	48,519
	<u>1,160,839</u>	<u>125,295</u>
13 Co-operative details		
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 2018 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 26 day of October 2018

FINANCIAL STATEMENTS

TENANTS' UNION OF NSW CO-OPERATIVE LIMITED | ABN 88 984 223 164



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.

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BONDI JUNCTION NSW 2022

PO Box 653

BONDI JUNCTION NSW 1355

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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 2018, 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 2018 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.

FINANCIAL STATEMENTS

TENANTS' UNION OF NSW CO-OPERATIVE LIMITED | ABN 88 984 223 164

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 506, 55 Grafton Street Bondi Junction NSW 2022

26th October 2018

PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2018

	2018 \$	2017 \$
INCOME		
Grants - Law and Justice Foundation	5,000	6,555
Fees Received	45,702	6,327
Donations Received	3,909	1,383
TAAP Knowledge Management Fee	17,993	-
CALD Project	10,000	-
Interest Received	6,814	6,412
Membership Fees	1,404	1,956
Grants - NSW Fair Trading	1,349,879	1,328,789
Grants - Legal Aid	302,084	232,273
Grants - Aboriginal Tenant Advocacy	16,257	-
Grants- Regional Network	22,302	23,600
Sundry Income	44,592	50,838
	<u>1,825,936</u>	<u>1,658,133</u>

The accompanying notes form part of these financial statements.

FINANCIAL STATEMENTS

TENANTS' UNION OF NSW CO-OPERATIVE LIMITED | ABN 88 984 223 164

PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2018

	2018 \$	2017 \$
EXPENSES		
Archiving	809	1,720
Audit Fees	5,500	4,500
Bank Charges	1,252	1,256
Building Services	8,233	8,819
Consultants & Contractors	31,740	12,972
Computer & IT Expenses	5,271	4,132
Depreciation	5,000	6,000
Equipment	5,563	6,077
Courier Services	176	887
Insurance	9,282	11,202
Legal Library Expenses	-	612
Meetings Expenses	6,310	16,903
National CLC Levy	6,400	6,400
Postage	9,363	7,458
Printing & Stationery	15,523	10,207
Photocopying	3,395	3,756
Practice & Legal Costs	8,293	1,837
Publications & Subscriptions	16,493	13,320
Rent	91,811	87,978
Repairs & Maintenance	290	690
Provisions & Reserves	18,964	40,691
Recruitment Expenses	842	546
Salaries	1,305,465	1,177,682
Staff Amenities	3,056	1,955
Training & Accreditation	4,357	3,280
Superannuation	120,353	109,951
TAAP Meetings	22,302	23,600
Utilities	5,341	5,589
Telephone & Communications	13,203	12,660
Travelling Expenses	12,721	26,494
Venue Hire	7,210	6,674
	<u>1,744,518</u>	<u>1,615,848</u>
Surplus	<u>81,418</u>	<u>42,285</u>

The accompanying notes form part of these financial statements.

DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2018

	2018 \$	2017 \$
OFFICE OF FAIR TRADING		
OTHER INCOME		
Grants - NSW Fair Trading	1,349,879	1,328,789
Interest Received	5,792	5,450
	<u>1,355,671</u>	<u>1,334,239</u>
EXPENSES		
Archiving	663	1,462
Audit Fees	4,645	3,825
Bank Charges	1,027	1,068
Building Services	6,751	7,496
Consultants & Contractors	10,809	11,722
Computer & IT Expenses	4,628	3,512
Depreciation	4,693	5,100
Equipment	4,562	5,165
Courier Services	144	754
Insurance	7,611	9,522
Legal Library Expenses	-	520
Meetings Expenses	3,876	6,316
National CLC Levy	5,248	5,440
Postage	7,678	6,458
Printing & Stationery	12,729	8,676
Photocopying	2,784	3,193
Practice & Legal Costs	6,934	1,561
Publications & Subscriptions	13,797	12,195
Rent	75,285	76,778
Repairs & Maintenance	241	586
Provisions & Reserves	17,714	39,441
Recruitment Expenses	709	464
Salaries	1,027,623	981,247
Staff Amenities	2,506	1,662
Training & Accreditation	3,421	2,788
Superannuation	98,116	92,390
Utilities	4,380	4,750
Telephone & Communications	10,919	10,910
Travelling Expenses	8,968	23,565
Venue Hire	7,210	5,673
	<u>1,355,671</u>	<u>1,334,239</u>
Surplus	<u>-</u>	<u>-</u>

The accompanying notes form part of these financial statements.

FINANCIAL STATEMENTS

TENANTS' UNION OF NSW CO-OPERATIVE LIMITED | ABN 88 984 223 164

DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2018

	2018 \$	2017 \$
LEGAL AID COMMISSION		
OTHER INCOME		
Grants - Legal Aid	302,084	232,273
Interest Received	1,022	962
	<u>303,106</u>	<u>233,235</u>
EXPENSES		
Archiving	146	258
Audit Fees	855	675
Bank Charges	225	188
Building Services	1,482	1,323
Consultants & Contractors	2,826	1,250
Computer & IT Expenses	643	620
Depreciation	307	900
Equipment	1,001	912
Courier Services	32	133
Insurance	1,671	1,680
Legal Library Expenses	-	92
Meetings Expenses	2,434	2,535
National CLC Levy	1,152	960
Postage	1,685	1,000
Printing & Stationery	2,794	1,531
Photocopying	611	563
Practice & Legal Costs	1,359	276
Publications & Subscriptions	1,125	1,125
Rent	16,526	11,200
Repairs & Maintenance	49	104
Provisions & Reserves	1,250	1,250
Recruitment Expenses	133	82
Salaries	234,079	179,792
Staff Amenities	550	293
Training & Accreditation	936	492
Superannuation	22,237	17,561
Utilities	961	839
Telephone & Communications	2,284	1,750
Travelling Expenses	3,753	2,850
Venue Hire	-	1,001
	<u>303,106</u>	<u>233,235</u>
Surplus	<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 2018

	2018 \$	2017 \$
TAAP - REGIONAL MEETING		
OTHER INCOME		
Grants- Regional Network	<u>22,302</u>	<u>23,600</u>
EXPENSES		
TAAP Meetings	<u>22,302</u>	<u>23,600</u>
	<u>22,302</u>	<u>23,600</u>
Surplus	<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 2018

	2018 \$	2017 \$
TENANTS UNION INTERNAL		
OTHER INCOME		
Fees Received	45,702	6,327
Donations Received	3,909	1,383
Membership Fees	1,404	1,956
Sundry Income	44,592	50,838
	<u>95,607</u>	<u>60,504</u>
EXPENSES		
Meetings Expenses	-	8,052
Salaries	14,189	10,088
Travelling Expenses	-	79
	<u>14,189</u>	<u>18,219</u>
Surplus	<u>81,418</u>	<u>42,285</u>

The accompanying notes form part of these financial statements.

ACKNOWLEDGEMENTS

The Tenants' Union would like to thank our many supporters, donors and community partners who contribute to make our work possible.

We acknowledge the crucial work of 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, the Law and Justice Foundation, and the continued support of Community Legal Centres NSW.

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

- Daniel Arbiv
- Shaista Bano
- Soorim Cha
- Isolde Daniell
- Hugh Griffiths
- David Hu
- Merrilyn Kennedy
- Joanne Knight
- Daniela Marchetta
- Mary Masias
- Isabel Mellor

- Jeremy Mills-Sheehy
- Pedram Mohseni
- Chanelle Marie Nader
- Samir Pokharel
- Beheshta Wasseh

Publication distribution

- Carol Barr
- Vivian Clifton

Practical Legal Training Placements

- Daniela Marchetta

Intern

- Chloe Schumacher

Policy

- Henare Degan
- Tasneem Winkler
- Nicholas Melas
- Lucy Tran

STANDING ADVISORY GROUPS

Aboriginal Advisory Committee

- Zachary Armytage, CLCNSW
- Michelle Craig, Dtarawarra, Aboriginal Resource Unit
- Ruth Simon, Dtarawarra, Aboriginal Resource Unit
- Danielle Hobday, Public Interest Advocacy Centre
- Brett Webb, Northern NSW Aboriginal Tenants' Advice and Advocacy Service
- Emma Langton, Solicitor, Aboriginal Services Branch, Legal Aid NSW
- Jamie Love, Western Aboriginal Advice and Advocacy Service
- Gemma McKinnon, UNSW
- Charmaine Weldon, Sydney Womens Domestic Violence Court Advocacy Service

Residential Parks Forum

- Graham Byrne
- Jill Edmonds
- Amanda Elgazar
- Dianna Evans
- Ian Finlayson
- Sandy Gilbert
- Len Hogg
- John MacKenzie
- Margaret Nicoll
- Jock Plimmer
- Mary Preston
- Franya Repolusk
- Noleen Robinson
- Don Rose
- Barry Sanders
- Trevor Sullivan
- Charles Dalglish
- Emma McGuire
- Mary Flowers
- John Moffitt
- Peter Reberger
- Lisa Ashby
- David Dodge

Certificate IV in Community Services Assessors

- Julie Lee
- Julie Foreman
- Patrycja Arvidssen
- Chris Maybin, South West NSW TAAS
- Eloise Parrab, Inner West TAAS
- Brett Webb, Northern Aboriginal TAAS
- Linda Grady, New England and Western NSW TAAS

MULTICULTURAL EDUCATORS

- Helen Li
- George Georges
- Minh Hoang
- Christine Ahn

MAKE RENTING FAIR WORKING GROUP

- Sarah Wilson, Shelter NSW
- Chris Hartley, Homelessness New South Wales
- Stafford Sanders, Uniting Social Justice Forum
- Paul Adabie, Newtown Neighbourhood Centre
- Mark Riboldi, CLCNSW
- Julia Murray, Inner West TAAS
- Grace Crowley Shaw, Eastern Area TAAS

INDIVIDUALS

- Mariette Mikhael, Project Coordinator, Ethnic Communities' Council of NSW
- Sue Cripps, SC Consulting Group
- Mauro Di Nicola
- David Evans
- Jane Kenny, Law and Justice Foundation
- Dr Chris Martin, City Futures Research Centre, UNSW
- Professor Alan Morris, Institute for Public Policy and Governance, UTS
- Dr Emma Power, WSU
- Philippa Scarf, Legal Information Access Centre
- Lee Watson, Fair Trading
- Matthew Whitton, Fair Trading
- Ross Nicholas, Costs Plus PtyLtd
- Jeremy Rutledge Assett Advisory
- Philip Wykeham, Legal Aid
- Michael Snape, Legal Aid
- Karen Walsh, Shelter NSW
- Katherine McKernan, Homelessness NSW
- Penny Howard
- Claire Gerson
- Richard Bailey
- Lauren Banner
- Hanna Torsh
- Liana Levine
- Philippa Barr
- Nicole Griffin
- David Dodge
- Elizabeth and Michael Hood
- Marny Hilson, Community and Public Sector Union
- Margaret Reckless
- Sarah Ludowici, Public Interest Advocacy Centre

- Margaret Barnes, TQ
- Charlotte Steer, Seniors Rights Service
- Sarah Nielsen
- Olivia Nielsen-Gurung
- Jen Rignold

BARRISTERS & CLERKS

- Bret Walker SC, Fifth Floor St James' Hall Chambers
- Nick Eastman, Martin Place 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
- Michelle McMahon, 6 St James Hall Chambers
- Trent Glover Barrister, 11 St James Hall Chambers
- Pat Lane, Barrister, Level 22 Chambers
- Maggie Dalton, Fifth Floor St James' Hall Chambers
- Michele Kearns, Martin Place Chambers

ORGANISATIONS

- Community and Public Sector Union
- Community Housing Industry Association
- Friends of Millers Point
- Homelessness NSW
- Justice Connect
- Legal Information Access Centre
- Law Access
- Metropolitan Local Aboriginal Lands Council
- National Centre for Indigenous Excellence
- NSW Council Of Social Services
- Newtown Neighbourhood Centre
- Older Women's Housing and Homelessness Group
- The Catering Specialists
- Shelter NSW
- State Library of NSW

- Sydney of City Council
- College of Law
- National Association of Community Legal Centres

TU AMBASSADORS

Our donor program of TU Ambassadors continues. 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
- Mark Suter
- Ghilaine Hammond-Baillie
- Virginia Pidcock
- Gordon Polley
- Brian Mead
- Peter Hill
- Brett Collins
- Teresa Harm
- Jacqui Thorburn
- Alan Horner
- Nicholas Melas
- Magnus Linder
- Beth Mitchell
- Clive Matthews
- Felicity Reynolds
- Amity Lynch
- Anthony Ziebell
- Ann Sloan
- Tweed Residential Parks Homeowners Association Inc
- Patricia McDonough
- Phil Hayden
- Nicholas Warren
- Sylvie Ellsmore
- Sue Scott
- Lucy Burgmann
- Patricia Costantina
- Alexander Gilleran
- Jelica Alelsandra Caprica
- Eric Earley
- Rivergum Residents Committee
- Len Hogg
- Beryl Anderson

PRO BONO SUPPORT

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

- Gilbert and Tobin
- Allen and Overy Lawyers

ULURU STATEMENT FROM THE HEART

The Tenants' Union supports the reforms called for in the *Uluru Statement from the Heart*. We are inspired by the powerful Makarrata campaign, and we seek to actively support Aboriginal people in their struggle for Treaty, Voice and Truth. We encourage you to read the Statement (below) and support the campaign at: 1voiceuluru.org

“ We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.



These dimensions of our crisis tell plainly the structural nature of our problem. This is the torment of our powerlessness.

We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: the coming together after a struggle. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.



TENANT STORIES

In 2017-2018 the Tenants' Union and the network of Tenants' Advice and Advocacy Services worked with dozens of renters to tell their stories through our publications and in the media. These stories put a powerful human face to the experiences and issues faced by tenants. Below are a few highlights from the year.



Kristy

Kristy is a single mum with three kids, and she also cares for her own mum who has a disability. Her home in western Sydney had a serious mould issue which kept recurring for over two years. She asked for repairs, but instead she got an eviction notice.

"The real estate agent said that the landlord doesn't need to give you a reason – if they want you out that's it. It was hard. It happened right around Christmas and my daughter's birthday so it was very tight for money. It wasn't fun for the family."

rentingfair.org.au/story/kristys-video-story, and page 30 inside.



David Dodge

David Dodge is a land lease community resident in the Northern Rivers. After he moved into his home he was offered a long-term casual occupation agreement which was not the same as the agreement the previous home owners had. David should have been offered a site agreement by the operator or there should have been an assignment of the previous residents' agreement to David. After a protracted 8 year legal battle, with assistance from the TU, David should finally get a written site agreement if the appeal by the operator to the Supreme Court of NSW is unsuccessful.

thenoticeboard.org.au/outsite, Outasite 4, and page 13 inside.



David Bott

David Bott is a public housing tenant and a client of the Eastern Area Tenants' Service. His long-running battle in the Tribunal shone a light on the systematic failure of FACS to do necessary repairs. After 14 years, FACS repaired his home, but only after getting dangerously close to being found in contempt of the Tribunal.

"It was the inequality that got me. I decided that I wouldn't stand for it. Why shouldn't a government department follow the Tribunal's orders?"

tenants.org.au/news/david-and-goliath-one-tenants-14-year-battle-repairs



Lauren

Lauren has been renting in Sydney over 15 years, and like many renters in NSW she has experienced an unfair eviction.

"Everywhere I've lived there have been problems. I think the biggest problem for me is the instability – feeling unable to make the property your own, your home. You can be kicked out at any time so you feel like you've got to 'put up or shut up'. My kids and I have had to move 3 times in the last 8 years. As a renter I feel like you get treated like a second-class citizen."

rentingfair.org.au/story/laurens-story