



ANNUAL REPORT 2018-2019



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Tenants' Union of NSW Annual Report 2018-2019. Published November 2019. Printed on recycled paper.

Cover photos, clockwise from top left: Mary Preston (land lease community resident – see page 15); Peter Kim (Tenants' Union Advice Line volunteer); Tareq and other supporters at the Town Hall Housing and Energy Assembly (see page 16-17); Keith – renter and spokesperson for the Make Renting Fair campaign (see page 16-17).

Certain icons used in this report are sourced from freepik.com

Support our work with a donation – givenow.com.au/tenantsunionofnsw

OUR VISION

“A society in which people in New South Wales can access safe, secure and affordable rental housing.”

TO ACHIEVE OUR VISION:

- We inform tenants, tenant advocates, and community workers.
- We educate tenant advocates, community agencies and government departments.
- We advise and assist tenants, tenant advocates and community workers.
- We advocate for change in law and policy so tenants have more stable, liveable, and affordable homes.



Tenants' Union staff with supporters and tenant advocates, at the Housing and Energy Assembly, Sydney Town Hall, March 2019.

ABOUT US

The Tenants' Union of NSW is the main resourcing body for Tenants' Advice and Advocacy Services (TAASs) and a community legal centre specialising in NSW residential tenancies law.

We are an independent, secular not-for-profit membership-based co-operative under the *Co-operatives (Adoption of National Law) Act 2012 (NSW)*.

We are accredited by Community Legal Centres Australia (formerly called the National Association of

Community Legal Centres) and we are a registered charity with the Australian Charities and Not-For-Profits Commission.

We are also an accredited Registered Training Organisation and deliver the CHC42015 Certificate IV in Community Services.

We work to promote the interests of Aboriginal tenants; boarders, lodgers and other marginal renters; private rental tenants; public and community housing tenants; and land lease community residents.



Some of the Tenants' Union Board, staff, and members, at the Annual General Meeting, November 2018.

RECONCILIATION ACTION

The Tenants' Union of NSW acknowledges that our office is on the land of the Gadigal of the Eora Nation.

Aboriginal sovereignty was never ceded, and all land in Australia always was and always will be Aboriginal land. We recognise that dispossession from their land has had detrimental effects on Aboriginal people.

Government policies, past and present, have created inequitable housing outcomes for Aboriginal people as tenants and home owners. Aboriginal and Torres Strait Islander people are over-represented in renter households in New South Wales.

Our Reconciliation Action Plan (RAP) guides us in ensuring reconciliation with Aboriginal and Torres Strait Islander people is built into all aspects of our work. (See files.tenants.org.au/about/2017-TU-RAP-final-web.pdf)

Our staff continue to undertake Cultural Awareness training. We continue to celebrate significant Indigenous days of recognition. We also continue to raise funds for the Aboriginal Literacy Foundation through fundraising events.

This year we partnered with Dtarrawarra Aboriginal Resource Unit in our Aboriginal Renting Policy Project. When completed, the policy will guide our ongoing advocacy for Aboriginal renters.

We also publicly supported the Uluru Statement from the Heart. (See ulurustatement.org)



Tenants' Union staff with Aboriginal tenant advocates at the Aboriginal Tenant Advocate Conference in March 2019.



Staff of the Tenants' Union, Community Legal Centres NSW, and the Welfare Rights Centre, at a combined NAIDOC week event.



Tenants' Union Aboriginal Legal staff with Aboriginal tenant advocates, during a visit to the Western Aboriginal TAAS in October 2018.



Tenants' Union and other Community Legal Centre stalls at Yabun 2019.

CHAIRPERSON'S MESSAGE

The past year seems to have been one of those 'perfect storm' years. We had the review of the Residential Tenancies Act, along with reviews of the two programs through which we receive the bulk of our funding, and a State election. On behalf of the Board I want to congratulate all staff on the way they successfully met the challenges of this year, and continued to provide a high level of comprehensive, reliable and valued information, advice, education and litigation to and for tenants and their allies.

Structural change via law reform is never easy and we continue to advocate for changes to strengthen tenants' security. I am pleased to say we did change the conversation in the media and among many toward favouring an end to 'no grounds' evictions, arguably the single most impactful change for tenants in NSW. Congratulations to Leo Patterson Ross and Jemima Mowbray for their work in achieving this.

The triennial funding for both programs under which we are funded, the Community Legal Services Program and the Tenants Advice and Advocacy Program, were up for review. The context for both was fiscal tightening by governments. Neither program received enhanced funding and we enter the next financial year having to have difficult discussions about what level of service we can continue to provide.

At the micro-finance level, we funded an external comprehensive review of our financial systems to identify possible efficiencies and to make recommendations on best practice to make the system fit for purpose in a rapidly changing financial environment. As a result we have now contracted with Community Legal Centres NSW Financial Services to undertake our book-keeping. Martin Bangs, our Finance Manager, ceased work with us in May 2019. We thank Martin for his work with us and wish him the best for the future.

In April 2019, Paula Rix retired from membership of the Board. Paula has been a long-stranding Board member and former Chair. Her knowledge and expertise have been invaluable to us. I also thank all my colleagues on the Board for their hard work and commitment.



Charmaine Jones

I thank all our staff for their excellent work over the year. I particularly want to thank our Executive Officer, Julie Foreman, and Paul van Reyk for acting as Executive Officer while Julie took well-earned long service leave, and Anne Coates for acting in Paul's position over that time.

Thank you to our funders, volunteers and partners too – we couldn't do it without you.

As we move into 2020, we have begun the process of developing our next 3-year Strategic Plan. In the light of the tighter funding context for the foreseeable future, our focus of this will be to evaluate and consolidate our work, keeping at the forefront of planning our commitment to make a positive difference to the lives of approximately two million people who rent in NSW, and particularly tenants who are economically and socially disadvantaged.

A handwritten signature in black ink, appearing to be 'C. Jones', written in a cursive style.

Charmaine Jones
Tenants' Union Chairperson

EXECUTIVE OFFICER'S MESSAGE

The Tenants' Union continues to work towards a society in which people in NSW can access safe, secure and affordable rental housing. We use a strategic mix of legal action, education, policy solutions and advocacy to make a difference in the lives of people who rent.

Our recent work to make significant changes to tenancy law culminated in our active participation in an assembly at the Sydney Town Hall when 2,000 people joined a call to state and federal politicians to make renting fair. It was an inspiring night in which the diversity of renters was reflected. While not successful in our major call for the removal of no grounds evictions in NSW we are confident we have changed the public discussion on this issue and continue to grow the coalition calling for change.

We have made a real difference to individual renters too, with almost 4,000 instances of individual advice and assistance.

With support from the Law and Justice Foundation we have explored the impact on tenants of the transfer of the management of public housing to community housing providers. We look forward to soon releasing our report and a suite of resources for tenants and community workers.

Our legal practice continues to test unfair terminations by social housing providers. In Residential Land Lease Communities we have run test cases that will assist residents across NSW to challenge overcharging for their electricity. In the most recent case 93 residents will receive \$80,000 worth of refunds for incorrect charging.

We have revitalized our biannual tenancy network gatherings to better support the 90 tenant advocates across NSW.

Our plain legal information continues to increase knowledge and provide renters with confidence to resolve issues – our factsheets were viewed or downloaded a massive 850,000 times this year.



Julie Foreman speaking at the TAAS Network Meeting in April 2019.

We acknowledge the insights, experience and advice of Aboriginal tenancy services and Dtarawarra who have worked closely with us to begin the development of a policy platform for Aboriginal and Torres Strait Islander renters.

Thank you to the Tenants' Union staff, board, volunteers, donors, funders, supporters, partners and clients. None of this would be possible without their commitment, enthusiasm and contribution.

We look forward to working with renters and their allies for another year!

A handwritten signature in black ink that reads "Julie Foreman".

Julie Foreman
Tenants' Union Executive Officer

WE INFORM

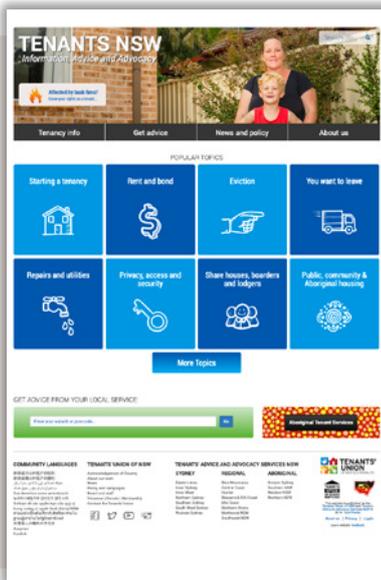
We give accurate timely information on tenancy law to:

- Tenants, land lease community residents, and other renters
- Advocates in the 19 Tenants' Advice and Advocacy Services across NSW
- Other individuals working with tenants

Armed with information, renters can assert their rights and assist others to assert their rights.



TENANTS' UNION WEBSITE



Sessions: 1,043,231

Users: 668,257



Pageviews: 2,288,956

Average session time: 2.25 minutes



Factsheets unique pageviews: 855,890

Devices: 48% mobile, 47% desktop, 5% tablet



Most visited pages: Repairs and maintenance, Bond, You want to leave, Landlord ends agreement, Residential Tenancies Act.

News articles unique views: 51,919



TENANTS RIGHTS MANUAL

(Hosted by the State Library of New South Wales)



Sessions: 52,084

Page views: 131,061



Average session time: 2.43 minutes



MEDIA AND SOCIAL MEDIA



Quoted in mainstream media: 83 times, including 20 radio and eight TV interviews.



Facebook: 5,228 followers (25% growth)

Engaged users: An average of 2,081 users/month reacted, commented or shared our Facebook posts.



Tenant News: 1,757 email subscribers (14% growth)



RENT TRACKER

We continue to publish our *Rent Tracker* series, which brings together multiple sources of information giving tenants, journalists and decision-makers a clear & easy way to understand rent movements in NSW.

Launched in June 2018, our *Rent Tracker Postcode Tool* allows people to easily check rents in their area and has received positive feedback from users and attracted high-profile media. Over the financial year 16,194 unique users accessed the tool, viewing the page 23,261 times.

RESIDENTIAL LAND LEASE COMMUNITIES

Land lease community residents are a key stakeholder group for the Tenants' Union.

Our website for land lease community residents is thenoticeboard.org.au. It has 23 factsheets covering issues faced by residents. There were 3,768 site visits during the year.

Two issues of the *Outasite Lite* email bulletin were published, reaching over 900 subscribers.

We published one issue of our print publication for land lease community residents – *Outasite*. 5,000 copies were distributed to subscribers across NSW.

Flatwithme.com.au @flatwithme
 fwm If you're looking for a place to rent in NSW, this new rent tracker tool is for you. Thx for putting this together @TUNSW #flatmates #renting

Ketan Joshi @KetanJ0
 Excellent data viz / tool from @TUNSW giving renters a view of average rents in a suburb - really informative and I will be using this a fair bit tenants.org.au

Geoffrey Pidcock
 Data and Analytics Lead at Jayride
 Wonder what you'd be paying to rent a house in a given post code? Why not find out using this fantastic tool by **Tenants' Union of NSW**? They've really cracked making open data actionable!

NEW PUBLICATIONS

Tenancy law and policy is continuously changing. We regularly produce new resource material to keep tenants and advocates informed.

This year we published seven new resources:

- Special Edition of *Tenant News* on a landmark judgement on the responsibility of the NSW Land & Housing Corp. for social housing repairs
- Information Sheet: *Warrants for Possession in Tenancy Law*
- Information Sheet and poster: *Transfer of tenancy management from public housing to community housing providers.*
- Koori tenant resource booklet: *Understanding your Tenancy Agreement*
- Two information sheets, a revised Factsheet and sample letter on the Domestic Violence Amendments to Residential Tenancies legislation.



WE ADVISE AND ASSIST

We are a Community Legal Centre and give expert legal advice and assistance to:

- **Tenants, land lease community residents, and other renters.**
- **Advocates in Tenants' Advice and Advocacy Services across NSW**
- **Other individuals working with tenants**



"Our advice is not just about resolving current problems. We aim to increase knowledge and confidence to resolve future issues."

*– Grant Arbuthnot, Principal Legal Officer,
Tenants' Union of New South Wales.*

SUPPORT TO TAAS ADVOCATES

Tenancy cases can sometimes be quite complex. We provided backup legal advice to over 90 tenant advocates in 19 TAASs across NSW to assist with clarifying law or suggesting strategies for resolving matters.

Case study

An advocate from southern NSW rang us for advice on a missing rental bond matter.

The tenant had just left a tenancy of many years. They had a rental bond number, but Fair Trading informed them that the bond had been paid to the landlord's agent several years earlier.

We were able to advise regarding the law on rental bonds and assist with drafting an application to the Tribunal. The advocate then assisted their client in writing a letter of demand for the bond, including the draft application. The landlord's agent agreed that the bond should be returned to the tenant and paid the tenant an amount of money equal to the bond.

The resolution of this problem avoided the need for Tribunal application, conciliation, hearing and enforcement.

SUPPORT TO ABORIGINAL TAASs

We provided 298 advices and back-ups to Aboriginal TAASs. This support ranged from drafting appeal applications and Tribunal submissions, assisting with applications to have Tribunal decisions set aside, and providing advice and ongoing assistance in relation to the new Domestic Violence Provisions in *The Residential Tenancies Act 2010*.

Case study

Ruby* and her partner Brendan* were co-tenants on a fixed-term agreement in a small country town. In March 2019 Brendan perpetrated domestic violence on Ruby. Ruby fled to a refuge. Brendan then trashed the property and abandoned it.

Ruby did not want to go to the police to take out an AVO. On our advice, Ruby saw her GP to get a 'competent person' statement. However, as Brendan was also a patient, the GP stated a conflict of interest. Ruby had to get the statement from a GP in another town. She sent the statement together with a notice of termination to her landlord.

The landlord applied to the Tribunal for a break-lease fee and compensation for the damage to the premises. He named Ruby and Brendan as respondents on the application.

The Aboriginal TAAS represented her at the Tribunal Hearing, and our service assisted with the submission to the Tribunal. As a result the Tribunal found that Ruby's co-tenancy had been terminated and that due to DV she was not liable for the break-lease fee and compensation for the damage to the property. Without a debt hanging over her head, Ruby now could put her energies into rebuilding her life.

**Names changed*



LEGAL ADVICE AND ASSISTANCE AT A GLANCE



Total advice and assistance: 3,934



Advices to Tenants' Advice and Advocacy Services: 850



Advice Line (tenants): 985



Advices to other organisations (e.g. Community Legal Centres): 56



Outside of Advice Line assistance via social media (tenants): 209



Outside of Advice Line assistance via email/phone (tenants): 1,834



Tenants' Union staff together with tenant advocates from the Tenants' Advice and Advocacy Services across NSW, at the Network Meeting in April 2019.

WE EDUCATE

We are a Registered Training Organisation and provide training and support to:

- **Advocates in the 19 Tenants' Advice and Advocacy Services across NSW**
- **Others working with tenants**

TRAINING

In 2018-2019 we trained 207 TAAS advocates and volunteers.

We also trained 1,310 other workers in community organisations and tertiary students. We continue to offer Certificate IV in Community Services and added two new electives to this unique qualification.

TAAS PORTAL

This online site gives advocates around the state the opportunity to engage in discussion forums, access resources, apply for training with the Tenants' Union and read news relevant to the state-wide Network of tenant advocates. There were over 100 active casework discussion forums in the last year.

TAAS NETWORK MEETINGS

Two network meetings were held in 2018-2019: the Network Meeting in Sydney in

"Just wanting to thank yourself and Grant (as well as the other speakers) for three terrific days of training. This is my first week back at the centre with the new knowledge and it has been tremendously helpful.

"The balance between fine detail and 'bigger picture' advocacy was excellent. It was also great to interact and meet with other volunteers from different areas and develop a sense of the system as a whole."

– Brent Gosling, Blue Mountains Tenants Advice and Advocacy Service / Elizabeth Evatt CLC

April 2019, and the Network Regional Conference in Orange in September 2018.

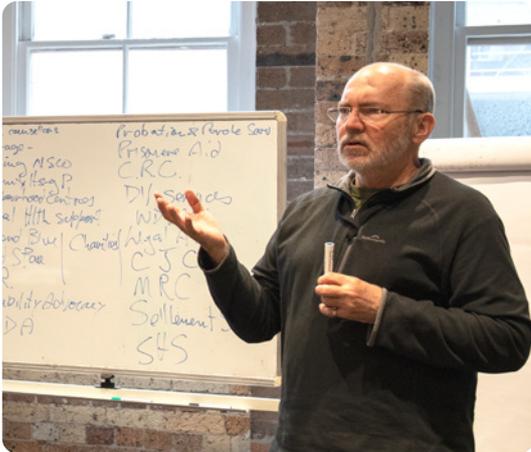
These meetings continue to be highly valued by TAASs for their mix of updates on legal and tenancy issues, improving working with clients, policy and law reform development and the chance for informal networking.

TAAS SERVICE VISITS

We continue to proactively visit 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 inform our work in developing whole-of-state approaches to policy and law reform. They also give us an opportunity to get feedback on our support to the TAASs themselves.



**TAAS
Network
Regional
Conference
2018**



Grant Arbuthnot (Tenants' Union Principal Legal Officer) presenting training.



Leo Patterson Ross (Tenants' Union Senior Policy Officer) facilitating a workshop.



Merrilyn Kennedy (Tenants' Union volunteer) presenting an information session.

MOST COMMON MATTERS ACROSS THE TAAS NETWORK

July 2018 – June 2019



TERMINATION

35% of cases
38% of sessions



RENTS & OTHER CHARGES

27% of cases
32% of sessions



BOND & COMPENSATION

24% of cases
23% of sessions



REPAIRS

24% of cases
27% of sessions



MISCELLANEOUS

23% of cases
26% of sessions

Total Cases: 26,921 • Total Sessions: 83,290

Getting a fairer deal for tenants needs systemic change. 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.

STRATEGIC LITIGATION

Renting in NSW remains insecure. We take up cases for strategic litigation where they are expected to have broad effect on the circumstances of residential tenants and/or cases of extreme hardship.

Catherine Hill Bay matters

Protected tenancies can no longer be created (since 1985), but some still exist. *The Landlord and Tenant (Amendment) Act 1948* was inserted into the *Residential Tenancies Act 2010*. We took on this case due to the hardship on the clients of losing their homes and to clarify the law as amended.

Our elderly clients (4) occupy houses built early last century by their forebears. The land belonged to a mining company and the forebears were mine workers.

The land has now been sold to a property developer. The new owner has indicated a desire for possession of the land to redevelop it.

Complexities may arise due to the uncommon structure of past transactions and the application of the *Landlord and Tenant (Amendment) Act 1948*.

The parties are negotiating. If an agreed settlement is not reached, the tenants intend resisting eviction. These matters are ongoing.

Commonwealth Rent Assistance

Tenants of the AHO (Aboriginal Housing Office) are entitled to CRA (Commonwealth Rent Assistance) from Centrelink. FACS Housing manages AHO tenancies. FACS

estimates the tenant's entitlement to CRA and reduces their rent rebate by that amount. This results in the rent paid increasing by the amount of the estimate. When the estimate is greater than the actual amount paid by Centrelink, the tenant is forced to pay the difference or go into rent arrears.

Our client has had various over-estimated CRA amounts since 2009. She has been subject to termination notices and Tribunal eviction proceedings more than once. FACS reviewed her rent account in 2014 and refunded some \$700. Discrepancies are still occurring.

Tenants' Union workers have compiled, calculated, recompiled and recalculated information from Centrelink and FACS. Tenants' Union advocacy has prevented the eviction of our client. We are grateful to Partners in Recovery for the support they have provided to the client and their assistance to the Tenants' Union. The matter is ongoing and has significantly contributed to our understanding of systemic failings in the management of CRA by some social housing providers.

Appo v Tweed Aboriginal Co-op Society Ltd

In NSW tenancy law, the Tribunal "must" evict based on a valid no grounds termination notice. In this matter the tenant seeks a finding of invalidity of the termination notice due to the landlord failure to comply with the *Co-operatives (Adoption of National Law) Act 2012*. Four breaches are identified.

The Tribunal has indicated that it will entertain such argument and has directed the landlord to produce relevant meeting minutes and delegations.

This matter is being conducted by the Tenants' Union and the Northern NSW Aboriginal Tenants' Service. It is ongoing. The strategic interest revolves around testing the impact of related law on the Tribunal's ability to terminate.

Electricity win

The Tenants' Union successfully represented 93 residents from Parklea residential land lease community in Tribunal proceedings regarding unfair electricity charges. Residents will now receive a refund totalling approximately \$80,000 for incorrect charges in their embedded electricity network dating from November 2015. This important case will assist residents across NSW to challenge overcharging for their electricity.

The decision has been appealed by a resident and 14 others, who say their refunds should have been greater and the Tribunal erred in law.

The issue of electricity overcharging in land lease communities has been an ongoing issue and the Tenants' Union has been at the forefront of the battle to ensure residents are correctly charged and appropriately refunded when they have been overcharged. Our coordinated strategy of legal action, policy advocacy and community education has led to real changes for residents.

Operator Interference in Sale of Home

An ongoing issue for residents is operator interference with sale, which can significantly affect the sale occurring or the amount received for sale. Often this occurs when residents are moving into aged care or are in ill health. The Tenants' Union consistently provides back up to tenancy services on this issue and has run matters testing the unfair actions of operators.

No site agreement

Operators can attempt to unlawfully place residents on agreements that offer less legal protection. We defended a Supreme Court case that concerns home owners who have lived at a land lease community for ten years, without the benefit of a written site agreement. We represented the home owners who were successful at NCAT at first instance in obtaining orders that they be provided with a written site agreement in standard form by the operator. The community operator unsuccessfully appealed that decision of the Tribunal to the NCAT Appeal Panel. The operator then appealed to the Supreme Court of NSW but was unsuccessful. The operator is ordered to provide a written site agreement in standard form to the home owners.



"I could not be given greater service than I have received and continue to receive from the Tenants' Union over a very long time in representing groups and individual home owners. Paul Smyth has been exceptional in representing 93 home owners in getting a measure of success in the Electricity applications to NCAT. I also appreciate the work that the TU does on behalf of vulnerable people outside residential parks. I am proud to be a member of the TU."

*– Mary Preston JP. Advocate.
Vice President I.P.R.A.G incorporated.*



Mary featured in ABC 7.30 Report's story on embedded electricity networks.

FAIR RENTING LAWS

We are recognised by State Members of Parliament as experts in tenancy law and a voice for renters. We have good access to them through which to advocate for the rights of tenants. This year our major focus was on the review of the *Residential Tenancies Act 2010*. While the core issue of no grounds evictions remains unresolved our work substantially improved the law, including making clearer landlord obligations around minimum property standards and fairer 'break fees' for leaving contracts. Perhaps the most significant improvement came in the new domestic violence provisions. Though there remains much to do, we and the network of Tenants' Advice and Advocacy Services worked closely with Women's Legal Service NSW and others in the sector to ensure implementation of provisions improving the ability of survivors of domestic violence to leave unsafe environments.

We also wrote submissions and met with key legislators on:

- *Residential Tenancies Amendment (Social Housing) Bill 2018* which introduced bonds for public housing tenants and expanded fraud powers.
- A range of Fair Trading Act amendments including regulation of 'bond alternatives', short-term rental agreements and uncollected goods.
- Preservation of rights of protected tenants and others under Landlord and Tenant laws
- A federal inquiry on the effects of mould for which we surveyed more than 430 renters across Australia about their experiences.

Our proposal for a Rental Bond exit survey has been taken up by the state government and is in development.

The Make Renting Fair campaign successfully raised the profile of the

need for fairer eviction laws over the year. Highlights of the campaign included reaching more than 100 organisational supporters; an open letter from 50 housing academics; lodging a petition requiring a response from the Minister; and, in conjunction with the Everybody's Home campaign, more than 1,000 emails sent over a few days to key Members of Parliament urging support removing amendments to the Residential Tenancies Act review bill.

1,037 people are subscribed to the Make Renting Fair e-bulletin.

Our impact on influencing the public conversation on this issue is demonstrated by media analysis. In the 12 months prior to the Make Renting Fair Campaign starting (1 Oct 2015–30 September 2016) there was one media article mentioning 'no grounds evictions' in NSW. In the 2 years following there were 39 articles.

THE HOUSING AND ENERGY TOWN HALL ASSEMBLY

On the 14th of March, 100 Make Renting Fair supporters were part of a 2,000 person gathering at Sydney Town Hall to demand commitments from Federal and State politicians towards more secure, affordable homes for people to rent in NSW.

The NSW Coalition Government restated their position that other tenancy reforms passed last year address the issues facing tenants. They did not commit to removing provisions allowing landlords to end tenancies for no reason.

Both the Australian Labor Party and the Australian Greens recommitted to a process of reaching nationally consistent standards for tenancies in all states which include ending no grounds evictions.



2,000 people filled Sydney Town Hall for the Housing and Energy Assembly, March 2019.



Supporters of the Make Renting Fair campaign, and the Tenants' Union, formed a visible contingent at the Assembly.



Keith was one of several renters who spoke at the Assembly. He told the audience about his experience living in seven homes over ten years, and the disruption his family has faced due to unfair evictions.

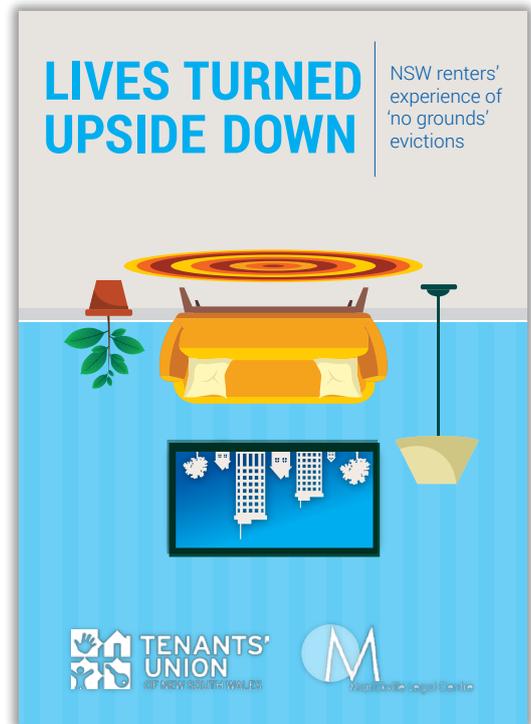
RESEARCH

Lives Turned Upside Down

We partnered with Marrickville Legal Centre to survey NSW residents about the impact of forced evictions. Over 600 people who were currently renting or had previously rented responded to our online survey. We asked them about their understanding of and experience of no grounds evictions, and the ongoing impact of these on their current rental experience and expectations.

Main Findings

- Renters move often.
- They value security & stability.
- Forced moves turn lives upside down.
- Renters feel anxious about reporting problems.



Disrupted – the consumer experience of renting in Australia

We partnered with CHOICE, National Shelter, and the National Association of Tenant Organisations (NATO) to produce research that delves into the renting experiences of renters across Australia.

Main Findings

Disrupted reveals that there are three common issues facing renters across the nation:

- poor quality homes and being too afraid to request repairs
- insecure tenancies
- struggling with rental affordability and cost-of-living pressures



Social Housing Management Transfer project

Over 12 months starting in September 2018 management of 14,000 public housing homes were transferred from public to community housing. The Tenants' Union closely monitored the transfers in order to make recommendations on 'best practice' and to identify policy gaps. As part of a 12-month project funded by the NSW Law and Justice Foundation, we documented the experiences and views of tenants and advocates concerning the transfer process and related tenancy management practices. This project has given us valuable insight into the need for future transfers, and the social housing sector generally, to ensure tenants are given real choices from the beginning of the process. We look forward to soon releasing our report and a suite of resources for tenants and community workers.

WORKING WITH TENANTS AND TENANT ORGANISATIONS

Our work is always informed by the direct experience of tenants. This year, we spoke with tenants about their experiences in the transfer of their tenancy from the state government to community housing providers. We also spoke with them about their experiences in social housing to inform our submission to the review of the Residential Tenancies Act provisions on social housing.

Our work with residents in Residential Land Lease Communities is informed by the Residential Parks Forum, an active forum of residents from around the state who are peer educators, campaigners and advocates for improving the law for people in residential parks. Residents also are active through the Parks Legal Working Group.

We supported tenants to have their voices heard on the need for tenant favourable regulations in the Residential Tenancy Act

through representations to their local Member of Parliament and making submissions to the government on the Act.

Over 100 Aboriginal tenants participated in our survey to inform the development of an Aboriginal Renters policy. The policy will be used to lobby for a better deal for Aboriginal renters.

We continue to support, influence and partner with grass roots organisations that are renter driven or engage with renting issues such as Better Renting and the Sydney Alliance.

We engage tenants as we develop resources to make sure they are effective in communicating information that tenants can use to advocate for their rights.

WORKING WITH HOUSING AND CONSUMER ACTION ORGANISATIONS

We work with other organisations to ensure that the needs of tenants are addressed in broader housing law, policy and practice. This year we have worked with:

- NSW Shelter
- Community Housing Industry Association
- Homelessness NSW
- NGO Housing and Homelessness Alliance
- NGO Housing & Homelessness Policy Group
- Groundswell: Alliance of community organisations working with tenants on the impact of social housing renewal in Waterloo
- Sydney Alliance Housing Affordability Working Group
- Newtown Neighbourhood Centre Boarding Houses Roundtable
- Energy and Water Consumer Advocacy Program reference group
- Community Coalition for Healthy, Affordable Homes
- National Association of Tenants Organisations
- Community Legal Centres NSW Law Reform and Policy Network

A STRONG & DYNAMIC ORGANISATION

We continue 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.

Our Board met six times during 2018-2019. The Board reviews its KPIs at each meeting, and also held its annual Board Retreat in April 2019.

Our staff bring a range of expertise that is widely recognised by government, tenant advocates, the community legal sector and a host of other community organisations working with some of the most vulnerable people in society. Staff are supported to undertake professional development to maintain and enhance their skills and knowledge.

Our work is also supported by over 45 individuals who commit volunteer effort – labour, advice, knowledge and expertise – across our legal practice, policy advocacy and administration.

We successfully completed the Professional Indemnity Insurance cross check all community legal centres must undertake in February 2019. We also remain accredited under the National Accreditation Scheme for Community Legal Centres.

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.

The Tenants' Union moved our financial management to CLCNSW Financial Services this year enabling a transition to online financial management, improving access to timely information and providing significant cost savings.

We continue to implement our Information Technology Strategy to achieve efficiencies in workload and spending. Deployment of a new telephone system produced cost savings throughout the year and particularly during the period of the Christmas Hotline. Work commenced on a bespoke contacts database with increased functionality which will replace obsolete software. File sharing technology has greatly improved collaborative work.

We have also continued to improve the user experience on tenants.org.au, the success of which is reflected in the increasing number of site visits annually. We are implementing ongoing improvements which will further enhance the functionality of the site.

OUR BOARD

- **Donna Brotherson**
- **Julia Davis** (Deputy Chair)
- **Nicole Grgas**
- **Charmaine Jones** (Chair)
- **Aideen McGarrigle**
- **Maree O'Halloran** (Treasurer)
- **Dean Price**
- **Lisa Smaljov**
- **Paula Rix** (resigned May 2019)

OUR STAFF

- **Grant Arbuthnot** (Principal Legal Officer)
- **Patrycja Arvidssen** (Learning and Development Coordinator)
- **Martin Bangs** (Finance Officer)
- **Anne Coates** (Administration Officer)
- **Michael Darcy** (Social Housing Transfers Project Officer)
- **Elizabeth De Freitas** (Advocacy and Research Officer)
- **Julie Foreman** (Executive Director)
- **Anushke Guneratne** (Strategic Information Technology Officer)
- **Jeremy Kerbel** (Resource Development Officer)
- **Julie Lee** (Residential Parks Officer)
- **Jessica Massa** (Legal Officer – Aboriginal Support)
- **David Maloney** (Legal Officer – Aboriginal Support)
- **Paulina Monforte** (Administration Officer)



- **Jemima Mowbray** (Policy and Campaigns Policy Officer)
- **Robert Mowbray** (Project Officer Older Persons)
- **John Mewburn** (Aboriginal Paralegal Officer)
- **Leo Patterson Ross** (Senior Policy Officer)
- **Paul Smyth** (Residential Parks Legal Officer)
- **Dylan Stanford** (Administration Assistant)
- **Paul van Reyk** (Senior Projects and Resources Officer)
- **Phoenix van Dyke** (Legal Officer – Aboriginal Support)
- **Cass Wong** (Litigation Solicitor)

We say special thanks to David Maloney, Elizabeth De Freitas, Michael Darcy, Paulina Monforte and Phoenix Van Dyke who assisted us with contract and locum positions this year. Their contributions have been significant.

We also sadly said farewell to Martin Bangs, Jessica Massa and John Mewburn. Martin successfully steered the financial management of the Tenants' Union for five years, while Jess and John have been the backbone of our legal support to Aboriginal tenancy services. You have made a difference.

Pictured (left to right): Trent Glover (barrister), David Dodge and Beryl Clarke (residents), Michelle Painter SC, and Paul Smyth (instructing solicitor from the Tenants' Union).

The Tenants' Union defended a case in the Supreme Court of NSW concerning land lease community home owners who have lived at a community for ten years without the benefit of a written site agreement (see page 15 for more detail).

EXTRACT FROM FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2019

The Tenants' Union's full financial statements are available on request and also available from the Australian Charities Register, on the Australian Charities and Not-for-profits Commission website, www.acnc.gov.au

STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2019

	Note	2019 \$	2018 \$
Income			
Revenue		1,917,120	1,825,936
Expenditure			
Occupancy expenses		(109,115)	(105,385)
Other expenses		(1,798,295)	(1,639,133)
		<u>9,710</u>	<u>81,418</u>
Surplus for the year	3	<u>9,710</u>	<u>81,418</u>
Surplus for the year		<u><u>9,710</u></u>	<u><u>81,418</u></u>

FINANCIAL STATEMENTS

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

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2019

	Note	2019 \$	2018 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	4	1,117,568	1,770,689
Trade and other receivables	5	36,953	11,138
Other current assets	6	7,164	11,319
TOTAL CURRENT ASSETS		1,161,685	1,793,146
NON-CURRENT ASSETS			
Trade and other receivables	5	23,963	23,962
Furniture, Fixtures and Equipment	7	8,419	10,938
TOTAL NON-CURRENT ASSETS		32,382	34,900
TOTAL ASSETS		1,194,067	1,828,046
LIABILITIES			
CURRENT LIABILITIES			
Trade and Other Payables	8	249,007	279,150
Funds Unexpended	9	462,905	1,112,825
TOTAL CURRENT LIABILITIES		711,912	1,391,975
NON-CURRENT LIABILITIES			
Provisions	10	268,070	231,696
TOTAL NON-CURRENT LIABILITIES		268,070	231,696
TOTAL LIABILITIES		979,982	1,623,671
NET ASSETS		214,085	204,375
EQUITY			
Retained earnings	11	214,085	204,375
TOTAL EQUITY		214,085	204,375

DIRECTORS DECLARATION

The Directors declare that the summary financial statements for the financial year ended 30 June 2019 as set out on pages 22 and 23 is an extract from the full financial report for the year ended 30 June 2019 and has been derived from and is consistent with the full financial report of the Co-operative.

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

A handwritten signature in black ink, appearing to be 'Char Jones', written over a faint, illegible stamp or watermark.

Char Jones

AUDITORS INDEPENDENCE DECLARATION TO THE DIRECTORS OF THE TENANTS' UNION OF NSW

MEAGHER, HOWARD & WRIGHT
CERTIFIED PRACTISING ACCOUNTANTS
ABN 42 664 097 441

Suite 506
Level 5 / 55 Grafton Street
BONDI JUNCTION NSW 2022
PO Box 653
BONDI JUNCTION NSW 1355

PARTNERS

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

FINANCIAL PLANNING

MARK MAYCOCK J.P.

Phone: 02 9387 8988
Fax: 02 9387 8388

ASSOCIATE

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

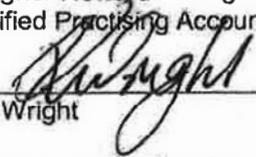
AUDITOR'S INDEPENDENCE DECLARATION UNDER SECTION 307C OF THE CORPORATIONS ACT 2001 TO THE DIRECTORS OF TENANTS' UNION OF NSW CO-OPERATIVE LIMITED

In accordance with the requirements of section 60-40 of the Australian Charities and Not-for-Profits Commission Act 2012 for the Audit of Tenant's Union of NSW Co-operative Limited for the year ended 30 June 2019, 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 Director:


Ken Wright

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

Dated this 17th day of October 2019



MEAGHER, HOWARD & WRIGHT
CERTIFIED PRACTISING ACCOUNTANTS
ABN 42 664 097 441

Suite 506
Level 5 / 55 Grafton Street
BONDI JUNCTION NSW 2022
PO Box 653
BONDI JUNCTION NSW 1355

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

FINANCIAL PLANNING
DAVID O'CALLAGHAN

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

Phone: 02 9387 8988
Fax: 02 9387 8388
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 2019, 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 2019 and of its financial performance and cash flows for the year then ended; and
- b) complying with Australian Accounting Standards to the extent described in Note 1 and Division 60 of the *Australian Charities and Not-for-profits Commission Regulation 2013*.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Entity in accordance with the auditor independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* ("the Code") that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

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

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

Emphasis of Matter – Basis of Accounting

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

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

Management is responsible for the preparation of the special purpose financial report that gives a true and fair view in accordance with the relevant Australian Accounting Standards in accordance with the *Australian Charities and Not-for Profits Commission Regulations 2013* and the *Australian Charities and Not-for-profits Commission Act 2012* and for such internal control as management determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

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

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

Auditor's Responsibilities for the Audit of the Financial Report

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

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

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

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

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

Meagher Howard & Wright
CPA



Ken Wright
Partner

Suite 506, 55 Grafton Street Bondi Junction NSW 2022

Dated: 17th October 2019

ACKNOWLEDGEMENTS

We acknowledge the crucial work of the Tenants' Advice and Advocacy Services who 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.

In particular we acknowledge the nearly 20 years of work in the TAAP Network of Ruth Simon, who retired in June 2019. During this time Ruth has directly managed or auspiced Aboriginal Tenancy Services, provided management support and advice to all the Koori TAASs and coordinated the annual Koori TAAS conference. Ruth was instrumental in the development of the Certificate IV in Community Services Advocacy, ensuring it was culturally appropriate for Koori staff, many of whom have graduated from the course. In 2014, Ruth was presented with a TAAP Lifetime Achievement award in recognition of her wisdom, friendship, patience and commitment

We acknowledge the funding provided by the NSW State Government, the Commonwealth Government, the Law and Justice Foundation, City of Sydney 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 & partner organisations who have provided advice, support, expertise and labour over the past year.



Tenants' Union Advice Line Volunteers Merrilyn Kennedy and Tina Huang during Volunteer Week 2019

OUR VOLUNTEERS

Advice Line

Nicola Clarke
Hugh Griffiths
Paul Hong
Merrilyn Kennedy
Peter Kim
Tina Huang
Joanne Knight
Samir Pokharel
James Zanon

Publication distribution

Carol Barr
Vivian Clifton

Interns

Chloe Schumacher
Hayley Merrithew

Policy

Jason Koh
Tatiana Motta
Layla Rose Pope
Tasneem Winkler
James Gardiner
Natasha Capstick

STANDING ADVISORY GROUPS

Aboriginal Advisory Committee

Zachary Armytage, **Community Legal Centres NSW**

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**

Charmaine Weldon, **Sydney Womens Domestic Violence Court Advocacy Service**

Residential Parks Forum

Graham Byrne

Jill Edmonds

Amanda Elgazzar

Dianna Evans

Ian Finlayson

Sandy Gilbert

John MacKenzie

Margaret Nicoll

Jock Plimmer

Mary Preston

Franya Repolusk

Noleen Robinson

Don Rose

Barry Sanders

Trevor Sullivan

Charles Dalgleish

Emma McGuire

Mary Flowers

John Moffitt

Peter Reberger

Lisa Ashby

David Dodge

Jean MacLean

Pam Meatheringham



Members of the Residential Parks Forum (left to right): Paul Smyth, Julie Lee, Sandy Gilbert, Tom George, Jill Edmonds, Jock Plimmer, Greg Skinner, Mary Preston, Rod Nicoll and Margaret Nicoll.

Certificate IV in Community Services Assessors

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

Make Renting Fair working group

Chris Hartley, **Homelessness NSW**
Digby Hughes, **Homelessness NSW**
Stafford Sanders, **Uniting**
Thomas Chailloux, **Shelter NSW**
Paul Adabie, **Newtown Neighbourhood Centre**
Mark Riboldi, **CLCNSW**
Emily Hamilton, **CLCNSW**
Julia Murray, **Inner West TAAS**
Grace Crowley Shaw, **Eastern Area TAAS**

INDIVIDUALS

Keith Young
Simon Byrnes
Mauro Di Nicola
David Dodge
David Evans
Penny Howard
Marny Hilson, **Community and Public Sector Union**
Jane Kenny, **Law and Justice Foundation**
Sarah Ludowici, **Public Interest Advocacy Centre**
Dr Chris Martin, **City Futures Research Centre, University of NSW**
Katherine McKernan, **Homelessness NSW**
Professor Alan Morris, **Institute for Public Policy and Governance, University of Technology Sydney**
Ross Nicholas, **Costs Plus Pty Ltd**
Dr Emma Power, **Western Sydney University**
Margaret Reckless
Jen Rignold
Philippa Scarf, **Legal Information Access Centre**
Charlotte Steer, **Seniors Rights Service**
Michael Snape, **Legal Aid**

Lee Watson, **Fair Trading**
Matthew Whitton, **Fair Trading**
Philip Wykeham, **Legal Aid**
Karen Walsh, **Shelter NSW**
Margaret Barnes, **Tenants Queensland**
Rohan Harris, **Oakley Greenwood**
Mia Zahra, **Legal Aid**
Meagan Lee, **Legal Aid**
Lila Sullivan, **Legal Aid**

BARRISTERS

Nick Eastman, **Martin Place Chambers**
Lara Nurpuri, **Martin Place Chambers**
Andrew Tokley SC, **5 Wentworth Chambers**
Mark Seymour, **Martin Place Chambers**
Paul Batley, **Frederick Jordan Chambers**
Trent Glover **11 St James Hall Chambers**
Pat Lane, **Level 22 Chambers**
Michelle Painter SC, **Selborne Chambers**
Greg James QC, **11th Floor Garfield Barwick 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
Energy and Water Ombudsman, NSW
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
Community Legal Centres Australia
Tweed Residential Park Home Owners Association Inc
Maritime Union of Australia

PRO BONO SUPPORT

We also acknowledge the pro bono support we have received throughout the year from **Gilbert and Tobin**.

TU AMBASSADORS

Our donor program of Tenants' Union Ambassadors continues. These are individuals who support the work of the Tenants' Union to defend tenants rights and have made a significant donation within the year.

Jelica Aleksandra Capric

Dean Curotta

Sandy Gilbert

Alex Gilleran

Alan Horner

Peter Lesch

Amity Lynch

Yinghze Ma

Nicholas Melas

Beth Mitchell

Derek Mitchell

Maree O'Halloran

Gordon Polley

John Sweeney

Nicholas Warren



TENANTS' UNION

OF NEW SOUTH WALES

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📠 61 +2 8117 3777

✉ contact@tenantsunion.org.au

🏠 tenants.org.au/tu

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

🐦 twitter.com/@tunsw

Tenants' Union of NSW Annual Report 2018-2019. Published November 2019. Printed on recycled paper.

The artwork above, adapted from the Tenants' Union logo, was created by Aboriginal Artist Pauline Coxon. For more information, see tenants.org.au/tu/acknowledgement-country and paulinecoxon.com.

Support our work with a donation – givenow.com.au/tenantsunionofnsw