



ANNUAL REPORT 2020-2021



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Gadigal Country, Lvl 5, 191 Thomas St, Haymarket, NSW 2000

- 🏠 tenants.org.au
- ☎️ +612 8117 3700
- 📠 +612 8117 3777
- ✉️ contact@tenantsunion.org.au
- 📧 newsletters: eepurl.com/JBMVb
- 📘 facebook.com/tunsw
- 🐦 twitter.com/@tunsw
- 📷 instagram.com/tenantsnsw
- 🌐 linkedin.com/company/tenants-union-of-nsw
- 📺 youtube.com/channel/UCEkKW8D86OVVAV0QedKFHl9w

Tenants' Union of NSW Annual Report 2020-2021. Published November 2021.

Certain icons used in this report are sourced from [freepik.com](https://www.freepik.com).

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

Artwork in this report

Front cover and throughout: Luke Penrith, 2021

Luke Penrith is a contemporary Aboriginal Artist whose ancestry is connected through the Wiradjuri, Wotjobaluk, the Yuin and the Gumbaynggirr Nation.

In 2021, the Tenants' Union was delighted to be able to commission Luke to create a housing-inspired artwork.

Luke says about this work:

"The boomerangs represent roofs on houses. Houses along the river, in the hills, the cities and along the coast."

Thank you so much Luke!

Back Cover:

Healing Gunya, by Debra Beale, 2020

We were also very pleased to be able to purchase *Healing Gunya*, a 2020 work by Aboriginal Artist Debra Beale, through Boomalli Aboriginal Artists Co-operative.

Debra writes about her artistic practice:

"I am a Sydney-based Artist and Designer Maker. I come from the Palawa/Yorta Yorta and Gamilaraay/Wonnarua Nation. I was born in Surry Hills and have been practising art for over 25 years.

"My artwork tells a narrative of my Aboriginal cultural practices, focusing on cultural heritage, family and community. It is a combination of Womens Business, with a process of acknowledging the past and moving forward to the future. A healing journey celebrating with song and dance and laughter."

Thank you so much for your work Debra!

ACKNOWLEDGEMENT OF COUNTRY

The Tenants' Union of New South Wales acknowledges Aboriginal and Torres Strait Islanders as the first sovereign Nations of the Australian continent and its adjacent islands, and who possessed their lands under the laws and customs of those Nations. The lands were never ceded and always remain Aboriginal and Torres Strait Islander Country. Our office is on Gadigal Country.

We acknowledge that the land, sea, sky and waterways are of spiritual, social, cultural and economic importance to Aboriginal and Torres Strait Islander peoples and support their right to culture, language, land and various notions of self-determination.

We acknowledge that as a result of government policies and practices, Aboriginal and Torres Strait Islander Peoples have been dispossessed from Country without compensation.

We acknowledge the strength and resilience of Aboriginal and Torres Strait Islanders in the face of past and present structural racism implemented through government policies and practices that impact on housing, encompassing home ownership and tenancy. We recognise, respect and value Aboriginal and Torres Strait Islander Peoples, their communities and their advocates who have taken action to bring about change in these policies and practices and those who continue to do so. We acknowledge their successes.

We commit to working in partnership with them as they continue to seek justice in housing and tenancy.

We call for the establishment of a First Nations Voice, in a form determined by Aboriginal and Torres Strait Islander Peoples and enshrined in the Constitution.



In 2020-2021, the Tenants' Union began implementing our second 'Innovation Reconciliation Action Plan.' In June 2021 we held a whole-of-office Yarn Day with YARN Australia. Pictured: Tenants' Union staff with YARN Australia presenters Warren Roberts and Auntie Agnes Ware (in front of the artwork by Aboriginal Artist Pauline Coxon).

WHO WE ARE

The Tenants' Union of New South Wales is a Community Legal Centre specialising in NSW residential tenancies law. We are accredited by Community Legal Centres Australia.

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.

We are the main resourcing body for the Tenants Advice and Advocacy Services (TAASs) across New South Wales.

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



Tenants' Union staff with Legal Aid Community Legal Centre Program staff, May 2021.

Standing (left to right): Charlie Wilde, Cass Wong, Lehana De Silva, Julia Cordina (Legal Aid), Robert Mowbray, Leo Patterson Ross, Mia Zahra (Legal Aid), Lila Sullivan (Legal Aid), Paul Smyth, Jennifer Chen (Legal Aid). Seated (left to right): Grant Arbuthnot, Patrycja Arvidssen, Tara Mulholland, Jemima Mowbray, Taryn Ives-Rigby (Legal Aid), Eloise Parrab.

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 office poster display, 2021.

CHAIRPERSON'S MESSAGE

No matter what challenges this year has thrown at us, the team at the Tenants' Union of NSW remained focused on helping people in some of the toughest moments of their lives, many who faced the risk of losing their home in the middle of this ongoing health and economic crisis.

Our dedicated executive along with our expert legal team, our incredible education and resources team, and our fearless policy advocates have shown incredible resilience this year, delivering services and information online and at-home when people really needed them. While the actions and impact of the Tenants' Union this year are too many to mention, here are a few big highlights.

Our tenancy Advice Line was funded to operate full time this year, and we assisted 2,000 people during one of the toughest years of many renters' lives.

Our public advocacy has resulted in the longest continuous period of eviction moratoria coverage in the country. This year we made sure to draw attention to the issues facing young renters, renters in regional nsw and international students.

Our blog posts showed the depth of our thinking across the issues facing renters in NSW. We examined a wide range of topics from pets in strata, rent bidding, landlord licencing and registration, the supply promises of public and community housing strategy, and discrimination in renting.

We took bold legal action, challenging the use of no grounds evictions across state lines on constitutional grounds, and standing firm against their use in community housing providers.

Our Knowledge Management project has spent this year reviewing all of our systems of document and file management. This has led to the creation of an online library catalogue to store our library of more than 1,500 items (and growing!) of renting related decisions, articles and other resources.



I want to thank Deb Phippen and Tina Huang who finished their work at the Tenants' Union during the financial year. Deb acted as policy and campaigns officer at a pivotal time during the COVID-19 pandemic, and Tina moved between administration and policy roles over the year.

Finally I want to thank the Board for their continued service and dedication to the Tenants' Union through these tumultuous years. This year we have committed to a bold new succession plan as some of our long-serving and dedicated board members begin to reach the end of their tenure. For the first time ever we have advertised broadly for expressions of interest to join the Tenants' Union governance team, and we have been pleased with the enthusiastic response from members.

While no board members finished during the financial year, Scott Hawkins stepped down in July 2021, and we thank him for his service to the Tenants' Union. We will be welcoming a cohort of new Board members at our next AGM.

Julia Davis
Chairperson

CEO REPORT

This financial year was a year of great change at the Tenants' Union of NSW and I want to thank the staff for their deep commitment to the renters of New South Wales and to the organisation. I am proud every day to work at the Tenants' Union and particularly to work alongside such dedicated and inspiring advocates, problem solvers and leaders.

The staff body grew to 22 people, the largest staff we have ever had! These new positions were generated in response to deep crisis but allowed us to take on that crisis and help support the people of NSW. We welcomed experienced tenant advocates and community educators, and a new Policy and Campaigns Officer.

Our working locations have been entirely different this year! Of course like much of the office-based world, we shifted to working from home for substantial periods. We also moved our physical offices for the first time in more than 10 years – a challenge at any time, but especially during this period of uncertainty.

Our digital flexibility allowed us to continue to adapt and respond to COVID-19 effectively and efficiently. We stepped into digital spaces, moving our phones to a VOIP system. One of the features of this has been the introduction of a digital assistant that alone completed nearly 8,000 referrals to local Tenants Advice and Advocacy Services, including reading out and texting vital information.

We continued to train, advise and support the local Tenants Advice and Advocacy Services who assisted a record 28,000 clients over 125,000 sessions. Combined with our own advices, that means more than 30,000 people sought and received advice from the tenancy advice and advocacy network this year.



We expanded our community education work both face-to-face, where safe, and online webinars, attending o-weeks and providing significant support to students and young people. We continued to provide dedicated support to People with Disabilities Australia to help ensure residents of disability accommodation get the legal support they need.

We also continued to ensure we were recognised as professional, balanced and responsible – being certified as a Community Legal Centre, and having Reconciliation Australia endorse our *Innovate Reconciliation Action Plan*. We have had ongoing conversations about what it looks like to work at the Tenants' Union in the modern era.

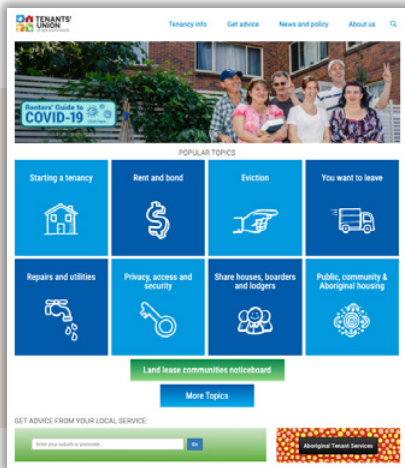
2021 has already thrown up new challenges but whatever comes next for the renters of NSW – we're ready for it!

Leo Patterson Ross
Chief 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 (TAAs) across NSW
- Community workers and other people working with tenants



tenants.org.au



Page views: 4,998,017

Users: 921,185



Factsheets unique page views: 918,167

Most popular topics: Ending tenancy early, You want to leave, Repairs and Maintenance, Bond, Landlord ends agreement.



Renters' Guide to COVID-19



Page views: 386,590

Unique page views: 158,884

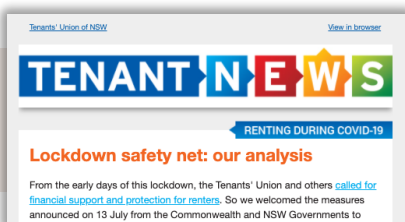


Rent Tracker postcode tool



Unique users who accessed the tool: 16,494

Users who accessed Rent Tracker pages: 20,086



Tenant News email magazine



Subscribers: 2,076



Issues over the year: 6



This Renting Life – Tenants' Union blog



Page views: 152,945

Unique page views: 68,345



Posts over the year: 23



Media appearances



Total mainstream media appearances: 97

- **Print:** 65
- **Radio:** 23
- **TV:** 9



Social media



Facebook: 7,564 followers (12% increase)

Engaged users: An average of 1,667 users per month engaged with our posts, with a peak of 6,824 in May.



Twitter: 2,721 followers (5% increase)

Engagement: An average of 324 engagements/month



The Noticeboard – land lease communities site



Page views: 39,038

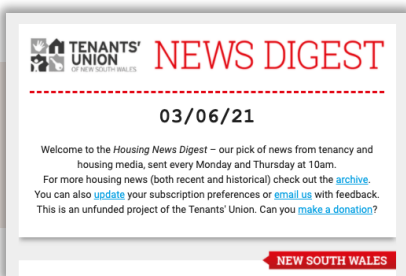


Unique page views: 15,307



Outasite print magazine: 6,000 copies distributed

Outasite lite email newsletter: 1,125 subscribers



Housing News Digest email



Subscribers: 188



Issues over the year: approx 104 (two issues per week)

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 the 19 Tenants Advice and Advocacy Services (TAASs) across NSW
- Community workers and other people working with tenants



2020-2021 legal advice & assistance at a glance

14,992

Total instances of advice and assistance



Advices to Tenants Advice and Advocacy Services: 668
(to over 90 Tenant Advocates in 19 TAASs across NSW)

- **Advices to Aboriginal TAASs:** 315



Advice Line (tenants): 879 (advice and referrals)



Bushfire and COVID-19 funded advice: 1,211
(from September 2020 to June 2021)



Advices to other organisations: 36
(e.g. Community Legal Centres)



Residential Land Lease Communities: 242

Total referrals: 11,433 (including social media)



- **Information/referral by Tenants Union staff outside of advice line hours:** 3,573
- **Tenants' Union Digital Assistant:** 7,860 (SMS sent to 2,656)



Other services: 172 (e.g. title searches)

Case study: COVID-19

Jenny* was a COVID-19 impacted tenant. She negotiated a rent reduction with the landlord's agent. The agreement was oral.

After a time Jenny received a termination notice for arrears of rent.

The agent said the agreement had been for rent deferral, not waiver. Jenny said it was clearly for a rent reduction, which she took to be a waiver.

Jenny called the Tenants' Union Advice Line and was advised:

- during the eviction moratorium COVID impacted tenants can only be evicted if:
 1. formal rent reduction negotiation (with Fair Trading NSW) has been undertaken and
 2. the Tribunal thinks it is fair and reasonable in the circumstances
- compile a chronology of events
- compile her evidence of the COVID-19 impact on her income
- make a written request of the agent for a copy of her rent ledger under s37 of the *Residential Tenancies Act*
- it is lawful in NSW for a tenant to overstay a termination notice
- a tenant cannot be lawfully evicted without a Court or Tribunal order
- she should get in touch with her local Tenants Advice Service if she has to go the Tribunal, or has further questions

As is often the case, we don't know the end of the story, but we can be satisfied that Jenny was well advised.

Case study: Bushfires

The rental market around Aaron's* place was affected by the bushfires. There were very few vacancies and the rents almost doubled in six months. Aaron's landlord sold the house to a new owner. Shortly after the transfer, the new owner started demanding possession of the house by phone and in person.

Aaron was distressed by the landlord's intransigence and insistence. He phoned the Tenants' Union Advice Line. An Advocate from the Advice Line:

- helped Aaron draft a letter about landlord access to the premises, and peace, comfort and privacy
- advised about the lawful ways the new landlord might seek the end of the tenancy.

* Names have been changed for privacy.

WE EDUCATE

We provide training and support to:

- Advocates in the 19 Tenants Advice and Advocacy Services (TAASs) across NSW
- Community workers and other people working with tenants

In 2020-2021:

254

Advocates, community workers & volunteers trained

- 20% from Koori TAASs
- 43% from regional services

107,655

TAAS Portal page views
(resource web site for Tenant Advocates)

"I found the training useful in using and hearing the terminology around social housing so that I can better identify and understand instructions from tenants in social housing. It was also useful as an overarching picture of the social housing system and its operation. I also really appreciated getting to hear from so many people about their own experiences dealing with housing, that was very useful and interesting."

"Thank you, and well done on delivering a great training despite the difficult and unexpected circumstances of the lockdown!"

– Participants in Social Housing Training, 2021



Tenant Advocates and Tenants' Union staff at Murra Mia Tenants Advice and Advocacy Service, during a service visit in June 2021.



Tenant Advocates and Tenants' Union staff at the online TAAS Network meeting, April 2021.

Online learning case study: *Tea & Tenancy*

In 2020, in response to COVID-19 restrictions on face-to-face training, we began *Tea and Tenancy* – a series of webinars to discuss the most current changes to the health orders relating to tenancy and other time sensitive issues impacting on advice given to tenants. In this period we ran four webinars, with each session being attended by 28 people on average. The series was so popular it will now become a permanent part of our training program for Tenant Advocates.



YOUNG RENTERS PROJECT

The number of young people renting privately has grown more than any other age group over recent years. Younger households are more likely than other age groups to spend over 30% of their gross weekly income on housing, putting them at greater risk of housing affordability stress. Young people are increasingly likely to rent for life.

In 2021, over 300 people responded to our young renters survey. They told us:

- **Housing affordability is an important issue.** 84% of respondents said the cost of rental properties is an issue that matters to them, with the next most selected issue being the price to own a home (72%).
- **When an affordable property can be found it is often of low quality.** The lack of affordable rental properties drives young people to living with family or in a shared house, even when this is seen as undesirable.
- **Repairs not being carried out is another concern** according to 68% of respondents. Young people in our research frequently stated that they feared the landlord would raise the rent (or even evict them) if they asked for repairs or asserted a tenancy right. This fear is fuelled by the ongoing threat of 'no-grounds' evictions, which allow landlords to evict tenants without citing a reason.

Our report, *Young Renters: We hear you!* published in June 2021, together with Youth Action, received coverage from several media outlets, including *Triple J Hack* and *7News*.

Young Renters: We hear you!



Key findings from our young renter survey and roundtables.

June 2021



TENANTS'
UNION
OF NEW SOUTH WALES

In addition to the *Young Renters: We hear you!* survey and report, we also:

- Partnered with Youth Action on roundtable discussions with young renters.
- Worked with the Sydney Alliance and a dedicated core of international student advocates to establish the Oz International Students Hub.
- Distributed 5,000 fridge magnets and 6,000 "Know your rights as a tenant" flyers across regional and metro university campuses.
- Partnered with the University of NSW, Eastern Area Tenancy Service (EATS), and ARC Legal, on a young renters webinar
- Hosted an O-Week stall with EATS at UNSW and an O-Week stall with Redfern Legal Centre at the University of Sydney.
- Put up tenancy rights posters (pictured below) on restroom doors at the University of Sydney.



Above: O-week stall at the University of Sydney.

Below: Young renters roundtable discussions.



Safe, secure, and healthy homes during a pandemic

Our core business is to advocate for safe, secure, healthy housing for everyone who rents their home. The importance of this has only been underscored as our communities' face – and continue to meet – the many challenges presented by the COVID-19 crisis.

Strong advocacy for supports for renters

Identifying and assessing the impacts of the health crisis for renters through interviews with coordinators of local Tenants Advice and Advocacy Services (TAASs) and the monitoring of demand for advice and assistance provided by the statewide network of local TAASs we advocated for strengthened, ongoing protections for renting households to ensure they could remain safely in their homes through the health crisis.

In September 2020 we briefed Minister Anderson, Minister for Better Regulation on the need for ongoing protections, and helped ensure a 6-month extension of the original Eviction Moratorium protections (in place until end March 2021).

Our analysis and recommendations were shared via reports, briefings and coordinated joint statements, including:

- **Supporting Renters Through the Pandemic**, September 2020
- **National Statement: Renting and Coronavirus**
- **Continuing impact of COVID-19 on NSW renting households**, March 2021
- **Open letter: extend protections and support NSW renters**, March 2021
- **Looking back, looking forward: Renting and COVID-19**

We engaged with Minister Ward, Minister for Families, Communities and Disability

Services, and the Department of Communities and Justice (DCJ), Health and other government agencies to ensure measures were put in place to support social housing tenants. This included consultation around appropriate guidelines in the event of a lockdown, recommending tenants be listened to, and a community support approach be adopted over that of policing.

We shared the stories of renters forced out during the health crisis, the importance of advocacy and support services for renters during this time, and highlighted the already existing problems with our renting system compounded during COVID-19, such as 'no grounds' evictions. In our submission regarding strengthening income supports we joined our voice to the strong community call for a permanent and substantial increase to income support payments. We pointed to research indicating that the introduction of COVID-19 income supports had actually decreased the number of people living in poverty by around 32%, reinforcing the positive impact a permanent increase to income support payments might have.

We also wrote submissions and met with key legislators on:

- The **NSW Government's Housing Strategy** (now *Housing 2041*) highlighting the need to consider renters when developing a strategy to address the ongoing problems of insecurity, affordability and liveability.
- The **NSW Audit Office's audit of the NSW Government's responses to homelessness**, drawing particular attention to the ways in which insecure tenure in the private rental sector increases vulnerability to homelessness, and the need for significant investment from government to expand public and community housing stock.

- Reforms to provide a land tax discount for Build to Rent developments, and other reforms around planning including the **Housing Diversity SEPP**, recommending any concessions or other incentives on the basis of an improved tenant experience must come with appropriate requirements around security and affordability.
- The statutory review of the **Boarding House Act 2012**, engaging with NSW Fair Trading and the Department of Community and Justice regarding recommendations for expanded coverage under a new Shared Accommodation Act and substantial reforms to the framework or protections currently provided through the Act.
- The statutory review of **NSW Strata Scheme Laws**, including amendments to the by-laws to make it easier for residents of strata to keep pets.
- Access to justice through ongoing engagement with the statutory review of the **Civil and Administrative Tribunal Act 2013**, and a submission to the NSW Law Reform's Open Justice Review recommending increased publication of reasons for decisions and provision of statistical data relating to matters heard by the NSW Civil and Administrative Tribunal.
- **Proposed property tax reform** by the NSW Government, including engagement with NSW Treasury on the Hardship Scheme Working Group.
- The urgent need for repairs and management of public and community housing, including a joint submission and attendance at **NSW Parliamentary Inquiry: Follow-up Review of the Management of NSW Public Housing Maintenance Contracts**.
- The importance of energy efficiency standards in rental housing to deliver on healthy homes, collaborating with over 80 community organisations on the national **Healthy Homes for Renters** campaign.

Working with renters

We are committed to working with tenants and tenant organisations. This includes the land lease community resident organisations, including the Residential Land Lease Communities Forum and the Parks Legal Working Group (both of which we convene). This year we also coordinated a full day workshop to facilitate and open a conversation between tenants, advocates and the broader housing sector, including providers about how we can get the best out of public and community housing (see page 18).

Working with others

We also work with other housing and consumer action organisations. In 2020-2021, they included:

- **Sydney Alliance** on International Students and housing and the Housing Affordability Working Group
- **Groundswell**: Alliance of community organisations working with tenants on the impact of social housing renewal in Waterloo
- **Healthy Homes** national campaign
- **Ageing on the Edge**
- **Shelter NSW**
- **Energy and Water Consumer Advocacy Group**
- **Public Interest Advocacy Centre**
- **Jesuit Refugee Service** Housing project: *A Place to Call Home*, reference group
- **NATO** – National Association of Tenants' Organisations
- **Guardian Australia** Housing Roundtable
- **Sydney Policy Lab**

Workshop: Our homes – getting the best out of public and community housing

In June 2021 the Tenants' Union organised a full day workshop, *Our homes: getting the best out of public and community housing*. The workshop brought together a broad range of people and organisations from across the housing sector, including public and community housing tenants, tenant advocates, housing & anti-poverty activists, housing researchers, and Community Housing Providers. The day provided an opportunity to tackle important questions and interrogate conventional wisdom and approaches in public and community housing. While everyone shared a commitment to getting the best out of public and community housing, many of us come at the question of how best to do this with different ideas.

The highlight of the day was a session on 'home truths', a focus on tenants' own experience in and concerns about public and community housing. The panel of public and community housing residents reminded us how the security and affordability of public and community housing provides, allows space in people's lives to build meaningful connections with friends and neighbours, and to take up education and professional opportunities. They also outlined the challenges of living in an underfunded, residualised public housing system. As individuals and communities, they do not feel heard or included in the often very flawed process of 'redevelopment and renewal' now relied on by governments to deliver more housing. They reminded us that the system needs to be more flexible and can and should expand, with a significant increase in stock but also an expansion of eligibility, to ensure it provides 'housing for life' for more people.

"We intentionally gather together today to discuss our homes. Our homes are one of the most important aspects of our lives. Alongside oxygen, food, water, homes must be recognised as fundamental because they keep us healthy. They give us a base from which to live our lives, to seek meaningful existence, and allow us to make choices.

"People have strong feelings about their homes because they are so precious, so important. That goes double for publicly controlled housing because it is understood as a bulwark against poverty. The little housing that is still publicly controlled is for all of us and from all of us. We have a collective responsibility to look after and safeguard what we have, to build more and to challenge ourselves – as providers, as advocates, as makers and critics of policy, as residents, as community members – to do better.

– Opening address by Leo Patterson Ross, Tenants' Union CEO.

Participants at the 'Our Homes: Getting the best out of public and community housing' workshop, Sydney Town Hall, 21 June 2021. Pictured: Rhiannon Cook (Vinnies NSW), Mila Serendenko (Waterloo Public Housing Action Group), Richard Weeks (Waterloo Public Housing Action Group), and Thomas Chailoux (Public Interest and Advocacy Centre).



Strategic litigation

Appeals against terminations by social housing providers

We assisted two Aboriginal social housing tenants to appeal terminations of their tenancies. The first was a public housing tenant on the grounds that the appellant suffered a substantial miscarriage of justice and that the decision to terminate the tenancy was made beyond jurisdiction. The second was a community housing tenant where procedural fairness was denied to the tenant due to the way in which the hearing was conducted in various respects.

Deceased estate of tenant

We assisted the family of an Aboriginal community housing tenant who had passed away, with a claim on the rent credit, bond and other charges that had been paid by the tenant. The tenant died intestate and no one had been granted letters of administration in respect of the estate. We contended that the client had standing to bring these proceedings to the NSW Civil and Administrative Tribunal as a de facto executor. The parties reached a settlement during conciliation at the commencement of the formal hearing.

Park operator in contempt of the Tribunal

The park operator was referred to the Supreme Court for consideration of whether its failure to comply with Tribunal orders is contempt of the Tribunal. The contract between the parties is a site agreement. The operator had been denying same, and refusing to provide a written site agreement as ordered by the Tribunal and required by the *Residential Land Lease Communities Act*.

Land lease community drinking water quality

The Tenants' Union is acting on the instructions of Western Sydney Tenants Advice Advocacy Service, representing eight elderly home owners regarding drinking water quality issues at Stoney Creek. The home owners are seeking orders for repairs and maintenance, a reduction in the site fees and orders for compensation including for both economic and non-economic loss.

Site fee increases

A land lease community operator was found to have been in breach of the *Residential Land Lease Communities Act* in writing into a site agreement two fixed methods of site fee increase, both 3% and CPI. The Act stipulates that only one method can be used.

Diversity Proceedings

Since the High Court case of *Burns v Corbett*, matters that involve interstate disputes are now to be determined by a State Court exercising federal jurisdiction.

The transition of these matters to the State Court, including tenancy matters involving a landlord or tenant residing in a different state, is now governed by Part 3A of the *NSW Civil and Administrative Tribunal Act*.

The Tenants' Union in early 2021 raised a Constitutional challenge against the validity of a State law mandating termination of tenancies (no grounds termination). Our client's landlord lives in another State and so their termination proceedings had to be recommenced in the Local Court.

We say that requiring a judicial officer to terminate a tenancy is incompatible with an independent judiciary as secured by Chapter III of the Constitution.

The NSW Attorney General intervened in those proceedings and the hearing was listed for a future date.

Our client was a single mother who escaped serious domestic violence. In the 10 months since she received the no grounds termination notice, she made 92 applications for tenancy without success.

Less than four weeks before the Court hearing, our client was offered social housing with a charitable organisation, which she accepted.

While this means the end of this litigation, the Tenants' Union remains committed to ending no grounds termination. We will continue litigation and other law reform action to that end.

Spotlight: Opportunities for change in land lease communities

With the statutory review of the *Residential (Land Lease) Communities Act 2013* kicking into gear in late 2020, the Tenants' Union were on the front foot from the very beginning of the process. Our Report, **5 years of the Residential (Land Lease) Communities Act 2013** was released just before the review commenced, and helped set the agenda for the review. Our report clearly identified the positive changes the Act brought in, but also highlighted a number of key areas in which the Act continues to fall short.

We reached out directly to residents to hear from them about the issues they face, surveying 300 home owners from August to October 2020. Our formal submission to the statutory review in March 2021 integrated and considered the residents' concerns, along with feedback from resident organisations and the Tenants' Union's consultative Residential Land Lease Communities Forum.

Our work on **electricity charges** for residents in land lease communities also continued. We supported and reported on residents successfully challenging the additional charges and failure to get residents' consent when operators attempted to step out of the on-sell or supply of electricity to homeowners,

passing responsibility to Hum Energy, or another energy retailer. Electricity charges for home owners on embedded networks is one area in which the Government has committed to implementing change. We started and are continuing productive discussions on electricity charges with the NSW Fair Trading Policy Team.

We are hoping home owners will not have to wait too long for a more stable charging system that is fair to them and also to operators!



Margaret Reckless of Ballina Waterfront Village is one of the residents involved in challenges to the way electricity charges are calculated.

A STRONG & DYNAMIC ORGANISATION

In 2020-2021 we:

- Successfully continued online work-from-home and training operations under COVID-19 health and safety precautions
- Moved to new offices in Haymarket
- Implemented significant improvements to our digital work environment, with VOIP-based telephones including a digital assistant that helps hundreds of tenants per month to find the support they need
- Met all our performance indicators and reporting requirements
- Grew to a staff of 22 people across a diverse range of projects responding to community need
- Undertook a major usability upgrade of tenants.org.au, based on an expert review of the site, along with usability sessions with tenants from a diverse range of backgrounds, age groups, genders, city and regional areas, and levels of tech literacy
- All staff undertook professional development
- Phase 3 Community Legal Centre Accreditation process certified by CLCs Australia in April
- Reconciliation Action Plan endorsed by Reconciliation Australia in October
- Our Board met seven times during 2020-2021, including a review day in March 2021

Our Board

- **Julia Davis** (Chair)
- **Scott Hawkins** (Deputy Chair, resigned 14 July 2021)
- **Charmaine Jones**
- **Jane Kenny**
- **Aideen McGarrigle** (Secretary)
- **Brendon McKeon**
- **Maree O'Halloran** (Treasurer)
- **Dean Price**
- **Lisa Smaljov**

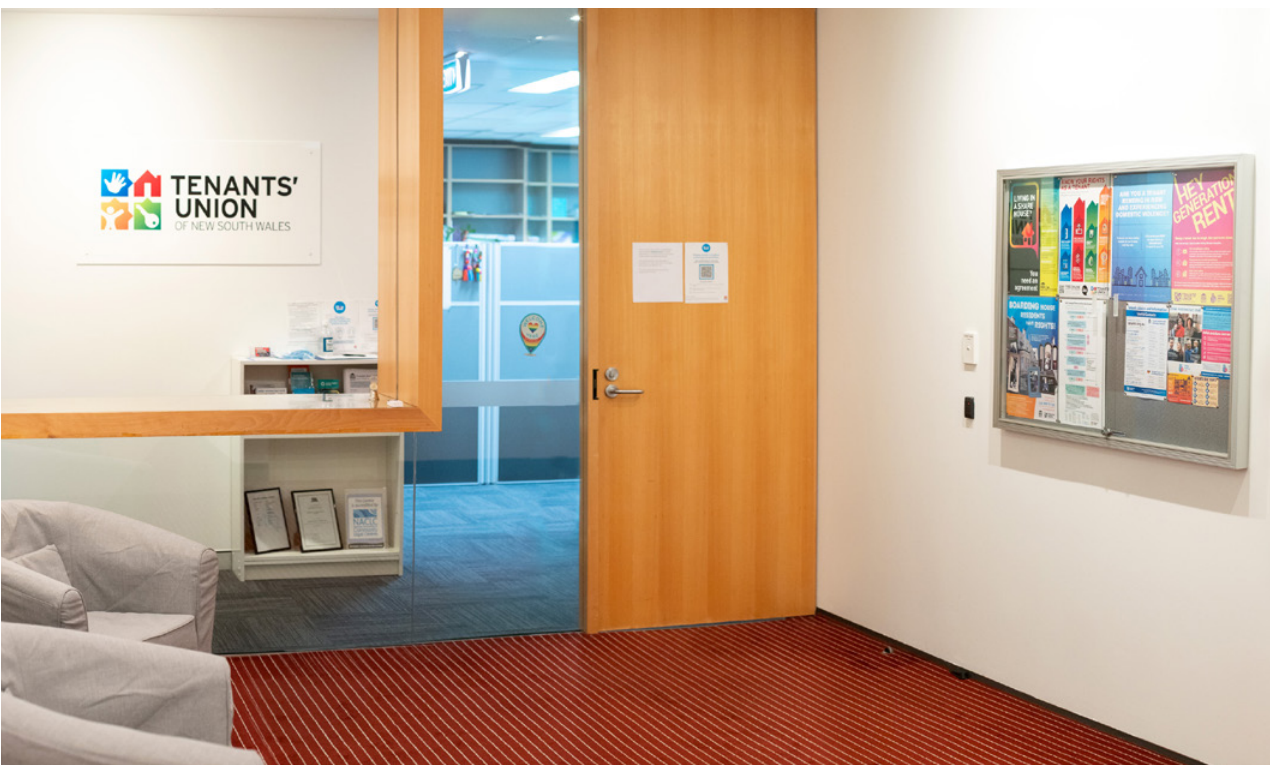
Our Staff

- **Grant Arbuthnot** (Principal Legal Officer)
- **Patrycja Arvidssen** (Learning and Development Coordinator)
- **Riley Brooke** (Policy and Campaigns Officer, from September 2020)
- **Anne Coates** (Administration Officer)
- **Lehana De Silva** (Legal Officer Aboriginal Support)
- **Anushke Guneratne** (Strategic Information Technology Officer)
- **Tina Huang** (Administration Assistant and Policy Officer, to June 2021)
- **Jeremy Kerbel** (Resource Development Officer)
- **Julie Lee** (Residential Parks Officer)
- **Jemima Mowbray** (Policy and Campaigns Coordinator)
- **Robert Mowbray** (Project Officer Older Persons)
- **Tara Mulholland** (Administration Officer, from Sept 2020)
- **Olivia Nielsen-Gurung** (Advocacy Officer, from Oct 2020)
- **Leo Patterson Ross** (Chief Executive Officer)
- **Eloise Parrab** (Advocacy Officer, from Sept 2020)
- **Daen Phillips** (Aboriginal Paralegal)
- **Deb Phippen** (Policy and Campaigns Officer, to August 2020)
- **Paul Smyth** (Residential Parks Legal Officer)
- **Dylan Stanford** (Administration Assistant)
- **Paul van Reyk** (Senior Projects and Resources Officer)
- **Charlotte Wilde** (Community Education Project Officer, from Oct 2020)
- **Cass Wong** (Litigation Solicitor)

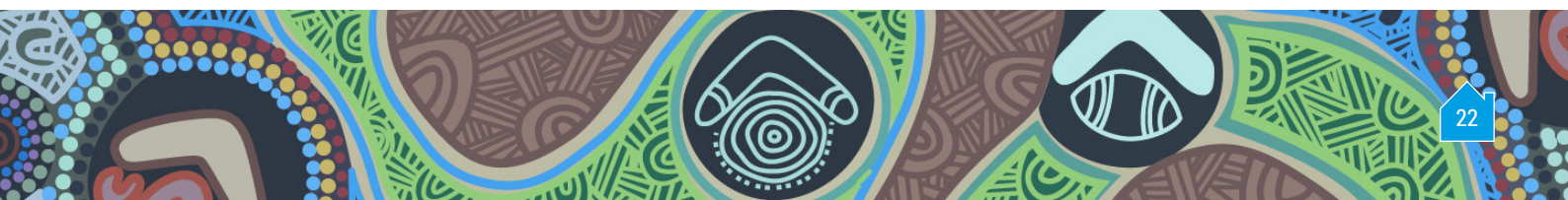
Spotlight: Knowledge management

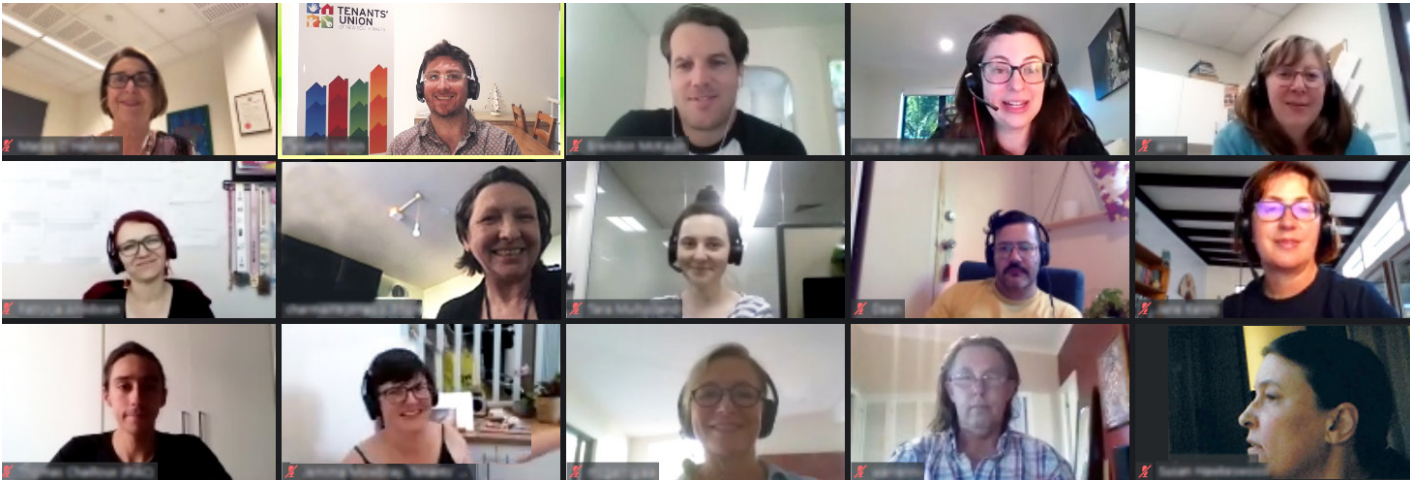
In line with the Tenants' Union's strategic plan to create a strong, viable and sustainable organisation, this year we undertook a project to identify and implement improvements to the organisation's information and records management. The project included the review and establishment of policies and procedures for the ongoing management and maintenance of information and knowledge management systems as we engage and work more in the digital space. We reviewed and then transitioned the majority of our records to the cloud and implemented a number of changes to streamline work practices and systems.

One significant outcome from the project has been the implementation of an online Library Management System (Koha) to maintain the records of our specialist reference collection. This system provides an online catalogue that links to electronic resources which will allow us to share our knowledge base within the Tenants' Union, but also with the Tenants Advice and Advocacy Service network and the wider public more easily. Just one of the many ways the Tenants' Union has been innovating and enhancing our practices and service delivery in the last year.



In December 2020, the Tenants' Union moved to new offices in Haymarket.

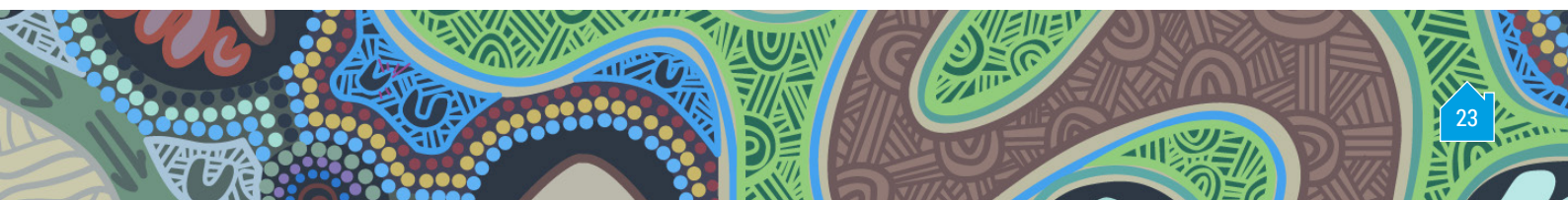




Above: Members of the Tenants' Union Board, staff, and membership, at the Annual General Meeting in November 2020.



Left: Members of the Tenants' Union Board at the review day in March 2021.



FINANCIAL STATEMENTS

Tenants' Union of NSW Co-operative limited | ABN 88 984 223 164

Extract from the Financial Report for the year ended 30 June 2021

What follows is an extract from the Tenants' Union's financial statements. The full financial statements are available at tenants.org.au, and are also available from the Australian Charities Register, on the Australian Charities and Not-for-profits Commission website, acnc.gov.au

Tenants' Union of NSW Co-operative Limited Statement of profit or loss and other comprehensive income For the year ended 30 June 2021



	Note	2021 \$	2020 \$
Revenue			
	4	2,426,679	1,919,562
Interest revenue calculated using the effective interest method		585	1,443
Total revenue		<u>2,427,264</u>	<u>1,921,005</u>
Expenses			
Accounting fees		(45,200)	(55,508)
Computer expenses		(21,368)	(17,357)
Consultancy fees		(25,309)	(33,712)
Employee benefits expense		(1,859,397)	(1,468,604)
Depreciation and amortisation expense		(83,853)	(6,546)
Meeting expenses		(8,360)	(27,836)
Membership fees		(19,092)	(15,588)
Postage, printing and stationery		(18,444)	(23,989)
Operating lease expenses		(47,542)	(95,085)
Telephone and internet		(16,046)	(14,152)
Travel and accommodation		(4,466)	(10,425)
Other expenses		(89,985)	(77,725)
Finance costs	5	(6,575)	-
Total expenses		<u>(2,245,637)</u>	<u>(1,846,527)</u>
Surplus before income tax expense		181,627	74,478
Income tax expense		-	-
Surplus after income tax expense for the year		181,627	74,478
Other comprehensive income for the year, net of tax		-	-
Total comprehensive income for the year		<u>181,627</u>	<u>74,478</u>

The above statement of profit or loss and other comprehensive income should be read in conjunction with the accompanying notes

FINANCIAL STATEMENTS

Tenants' Union of NSW Co-operative limited | ABN 88 984 223 164

Tenants' Union of NSW Co-operative Limited
Statement of financial position
As at 30 June 2021



	Note	2021 \$	2020 \$
Assets			
Current assets			
Cash and cash equivalents	6	1,206,658	1,293,300
Trade and other receivables	7	7,190	6,403
Other	9	21,231	20,354
Total current assets		<u>1,235,079</u>	<u>1,320,057</u>
Non-current assets			
Other financial assets	10	24,750	-
Property, plant and equipment	11	126,558	1,873
Right-of-use assets	8	191,110	-
Total non-current assets		<u>342,418</u>	<u>1,873</u>
Total assets		<u>1,577,497</u>	<u>1,321,930</u>
Liabilities			
Current liabilities			
Trade and other payables	12	102,933	119,002
Contract liabilities	13	211,150	391,137
Lease liabilities	14	86,260	-
Employee benefits	15	392,303	313,825
Provisions	16	19,745	7,541
Total current liabilities		<u>812,391</u>	<u>831,505</u>
Non-current liabilities			
Lease liabilities	14	110,228	-
Employee benefits	15	159,847	153,021
Provisions	16	24,843	48,843
Total non-current liabilities		<u>294,918</u>	<u>201,864</u>
Total liabilities		<u>1,107,309</u>	<u>1,033,369</u>
Net assets		<u>470,188</u>	<u>288,561</u>
Equity			
Retained surplus		<u>470,188</u>	<u>288,561</u>

The above statement of financial position should be read in conjunction with the accompanying notes

FINANCIAL STATEMENTS

Tenants' Union of NSW Co-operative limited | ABN 88 984 223 164

Directors declaration

This declaration relates to the full financial statements.

The full financial statements are available at tenants.org.au, and are also available from the Australian Charities Register, on the Australian Charities and Not-for-profits Commission website, acnc.gov.au.

Tenants' Union of NSW Co-operative Limited
Directors' declaration
30 June 2021




In the directors' opinion:


- the Co-operative is not a reporting entity because there are no users dependent on general purpose financial statements. Accordingly, as described in note 2 to the financial statements, the attached special purpose financial statements have been prepared for the purposes of complying with the Australian Charities and Not-for-profits Commission Act 2012 and the Co-operatives (Adoption of National Law) Act 2012 and associated regulations requirements to prepare and distribute financial statements to the members of Tenants' Union of NSW Co-operative Limited;
- the attached financial statements and notes give a true and fair view of the Co-operative's financial position as at 30 June 2021 and of its performance for the financial year ended on that date; and
- there are reasonable grounds to believe that the Co-operative will be able to pay its debts as and when they become due and payable.

Signed in accordance with a resolution of directors.

On behalf of the directors


Type text here

Julia Davis
Chairperson



Maree O'Halloran
Treasurer

28 October 2021

Independent Auditor's Report to the Members of the Tenants' Union of NSW



LBW & Partners

Chartered Accountants & Business Advisors
ABN 80 618 803443

Office

Level 3, 845 Pacific Hwy, Chatswood NSW 2067

Postal address

PO Box 276, Chatswood NSW 2057

W www.lbw.com.au

E mail@lbw.com.au

P (02) 9411 4866

Partners

Elias Y Bader

Rupa Dharmasiri

George P Rochlios

Mark W Willock

Tenants' Union of NSW Co-operative Limited

ABN: 88 984 223 164

Independent Auditor's Report to the Members of Tenants Union of NSW Co-operative Limited

Opinion

We have audited the accompanying financial report, being a special purpose financial report of Tenants' Union of NSW Co-operative Limited (the Co-operative), which comprises the statement of financial position as at 30 June 2021, the statement of profit or loss and other 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 directors' declaration.

In our opinion, the accompanying financial report of the Co-operative is in accordance with the Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012* and the *Co-operatives (Adoption of National Law) Act 2012*, including:

- (i) giving a true and fair view of the Co-operative's financial position as at 30 June 2021 and of its financial performance for the year then ended; and
- (ii) complying with Australian Accounting Standards to the extent described in Note 2, 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 Co-operative in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

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

Emphasis of Matter - Basis of Accounting

We draw attention to Note 2 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the Co-operative's financial reporting responsibilities under the *Australian Charities and Not-for-profits Commission Act 2012* and the *Co-operatives (Adoption of National Law) 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.



Tenants' Union of NSW Co-operative Limited

ABN: 88 984 223 164

Independent Auditor's Report to the Members of Tenants Union of NSW Co-operative Limited

Responsibilities of Directors for the Financial Report

The directors are responsible for the preparation and fair presentation of the financial report that gives a true and fair view and have determined that the basis of preparation described in Note 2 to the financial report is appropriate to meet the requirements of *the Australian Charities and Not-for-profits Commission Act 2012* and the *Co-operatives (Adoption of National Law) Act 2012*. The director's responsibility also includes such internal control as the directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the directors are responsible for assessing the Co-operative'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 the directors either intend to liquidate the Co-operative or to cease operations, or have no realistic alternative but to do so.

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 the financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: <http://www.auasb.gov.au/home.aspx>. This description forms part of our auditor's report.

Rupaninga Dharmasiri
Partner

LBW & Partners
Chartered Accountants
Level 3, 845 Pacific Highway
CHATSWOOD NSW 2067

Dated this 29th of October 2021

ACKNOWLEDGEMENTS

We acknowledge the crucial work of the Tenants Advice and Advocacy Services who provide frontline advice and advocacy to tenants in NSW. Our work in law and policy reform and resource development is dependent on their experience and insight.

We acknowledge the funding provided by the NSW State Government, the Commonwealth Government, 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 and partner organisations who have provided advice, support, expertise and labour over the past year.

Our Volunteers

Advice Line

Merrilyn Kennedy
Peter Kim
Isobel Stockler
Dora Chan
Michael Hanson
Jason Zhao
Gina Ballesfin
Tara Mulholland
Darren Whitaker
Thomas Xu
James Xu

Policy

Dr Bronwyn Bate

Standing Advisory Groups

Aboriginal Advisory Committee

Zachary Armytage, **Community Legal Centres NSW**
Michelle Craig, **Aboriginal Resource Unit**
Brett Webb, **Northern NSW Aboriginal TAAS**
Emma Langton, Solicitor, **Aboriginal Services Branch, Legal Aid NSW**
Charmaine Weldon, **Sydney Womens Domestic Violence Court Advocacy Service**

Residential Land Lease Communities Forum

Graham Byrne	Mary Preston	Greg Skinner
Jill Edmonds	Franya Repolusk	Lynn Harvey
Amanda El Gazzar	Barry Sanders	Tom Coster
Ian Finlayson	Don Rose	Kim Wright
Sandy Gilbert	Trevor Sullivan	Dorothy Hudson
David Dodge	Charles Dalgleish	Judy Fogarty
John MacKenzie	Emma McGuire	Bob Morris
Margaret Nicoll	Lisa Ashby	
Jock Plimmer	Pam Meatheringham	

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**
Brett Webb, **Northern Aboriginal TAAS**
Linda Grady, **New England and Western NSW TAAS**

Individuals

Joanna Quilty
Alice Anderson, **REDWatch**
Emily Bullock, **Hands Off Glebe**
Richard Weeks, **Waterloo Public Housing Action Group**
Mila Seredenko, **Waterloo Public Housing Action Group**
Christopher Brown
Chris Perry
Mauro Di Nicola
Chris Hartley, **Centre for Social Impact**
Grace Crowley Shaw, **Eastern Area TAAS**
Sally Latter, **Northern Rivers TAAS**
Pamela Hunter, **VERTO**
David Dodge
David Evans
Mark Riboldi
Michael Darcy
Katherine McKernan, **Homelessness NSW**
John Engeler, **Shelter NSW**
Marny Hilson, **Community & Public Sector Union**
Professor Nicole Gurrán, **University of Sydney**
Dr Chris Martin, **City Futures, UNSW**
Professor Alan Morris, **Institute for Public Policy & Governance, University of Technology Sydney**
Ross Nicholas, **Costs Plus Pty Ltd**
Dr Emma Power, **Western Sydney University**
Dr Laurence Troy, **University of Sydney**
Margaret Reckless
Philippa Scarf, **Legal Information Access Centre**
Charlotte Steer, **Seniors Rights Service**
Michael Snape, **Legal Aid NSW**
Lee Watson, **Fair Trading**
Matthew Whitton, **Fair Trading**
Philip Wykeham, **Legal Aid NSW**
Mia Zahra, **Legal Aid NSW**
Lila Sullivan, **Legal Aid NSW**
Julia Cordina, **Legal Aid NSW**
Margaret Barnes, **Tenants Queensland**
Rohan Harris, **Oakley Greenwood**

Barristers

Paul Batley, Frederick Jordan Chambers
Ryan Coffey, Martin Place Chambers
Nick Eastman, Martin Place Chambers
Alexander Flecknoe-Brown, 6 St James Hall Chambers
Chris Koikas, 11 Garfield Barwick Chambers
Pat Lane, Level 22 Chambers
Lara Nurpuri, Martin Place Chambers
Mark Seymour, Martin Place Chambers
Andrew Tokley SC, 5 Wentworth Chambers

Student Placements

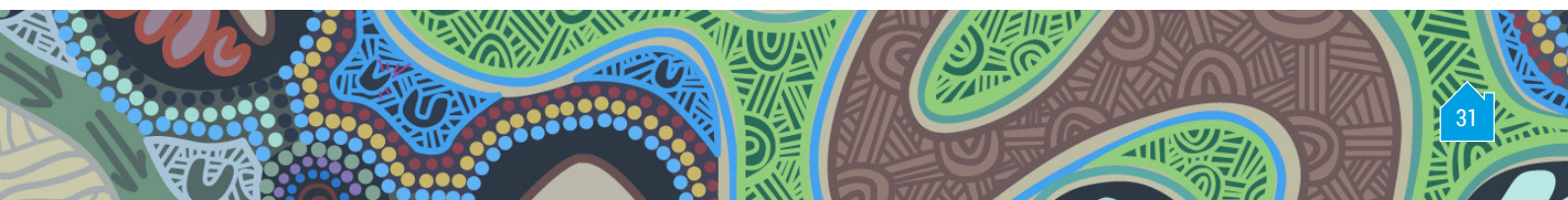
Lauren Berends, Charles Sturt University

Organisations

College of Law
Community Housing Industry Association
Energy and Water Ombudsman, NSW
Friends of Millers Point
Homelessness NSW
Indigi-Print
Legal Information Access Centre
Law Access
Maritime Union of Australia
Metropolitan Local Aboriginal Lands Council
National Association of Community Legal Centres
Newtown Neighbourhood Centre
NSW Council Of Social Services
Older Women's Housing and Homelessness Group
Rivergum Holiday Park Residents Committee
Shelter NSW
State Library of NSW
Sydney Alliance
Sydney of City Council
The Catering Specialists
Tweed Residential Park Home Owners Association Incorporated
Yarn Australia
Youth Action



Tenants' Union Yarn Day, June 2021. Above: group discussion. Below (left to right): YARN Australia presenters Aunty Agnes Ware and Warren Roberts, with Tenants' Union Aboriginal Paralegal Daen Phillips.





'Healing Gunya' by Aboriginal Artist Debra Beale, 2020

(See page two for more information)



Gadigal Country, Level 5, 191 Thomas St, Haymarket, NSW 2000

🏠 tenants.org.au

☎ +612 8117 3700

📠 +612 8117 3777

✉ contact@tenantsunion.org.au

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📷 instagram.com/tenantsnsw

🌐 linkedin.com/company/tenants-union-of-nsw

📺 youtube.com/channel/UCEkW8D860VVAV0QedKFhI9w

Tenants' Union of NSW Annual Report 2020-2021. Published November 2021.

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