



ANNUAL REPORT 2022-2023



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Gadigal Country, Level 5, 257 Clarence St,
Sydney NSW 2000
PO Box Q961, QVB Market Street NSW 1230

tenants.org.au

+612 8117 3700

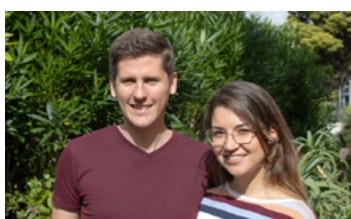
contact@tenantsunion.org.au

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The stories behind the cover photos



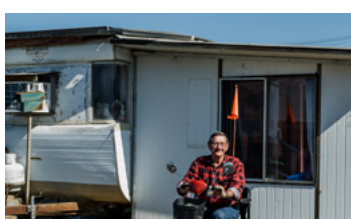
Lauren and Jason have had two no grounds evictions in two years. Lauren says, "There need to be consequences for agents and landlords who deliberately mislead their tenants about the reasons why they are evicting them. All of the costs are borne by the tenant – not just financial costs of moving, but the time taken off work, the mental health impacts due to weeks of stress, and the loss of community ties when you're forced to move suburbs. It completely uproots the lives of the people who are looking for stability. There need to be more implications for dishonesty as well as an end to no grounds evictions." See: makerentingfair.org.au/laurens-story-0



John Foster is the subject of a photo by Aston Brown which won the People's Choice award in our 2023 statewide 'Through a Renter's Lens' photo competition – see pages 14-17 in this report. John is a leading figure on the international trumpet scene, a tenant in Enmore, and Aston's neighbour. John and Aston report that they have enjoyed many colourful yarns over their fence. See: tenants.org.au/news/through-renters-lens-photo-comp



Maryam's rent for a two-bedroom apartment in Arncliffe went from \$500 per week in 2021 to \$785 per week in 2023 – an increase of 57%. Maryam says, "It's very stressful. Every day we find ourselves discussing the budget, how we can manage to stay in the area. A lot of people are struggling right now but they're not speaking – I want to speak on behalf of everyone in this situation." See: makerentingfair.org.au/maryams-story



Brian Fuller is a land lease community resident in Boggabri. He is 71 and has lived in his home since 2005. In 2023 he finally won a nine-year battle with the community operator for much needed repairs to the infrastructure in his community – particularly drainage and sewerage. The problems had resulted in flooding in Brian's home and major health impacts. Brian applied to the NSW Civil & Administrative Tribunal, and received help from his local Tenants Advice & Advocacy Service and the Tenants' Union of NSW. See: tenants.org.au/thenoticeboard/news/victory-boggabri

ACKNOWLEDGEMENT OF COUNTRY

The Tenants' Union acknowledges that Aboriginal and Torres Strait Islanders were the first sovereign Nations of the Australian continent and its adjacent islands, and that these lands were possessed 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 the Country of the Gadigal people of the Eora Nation.

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.

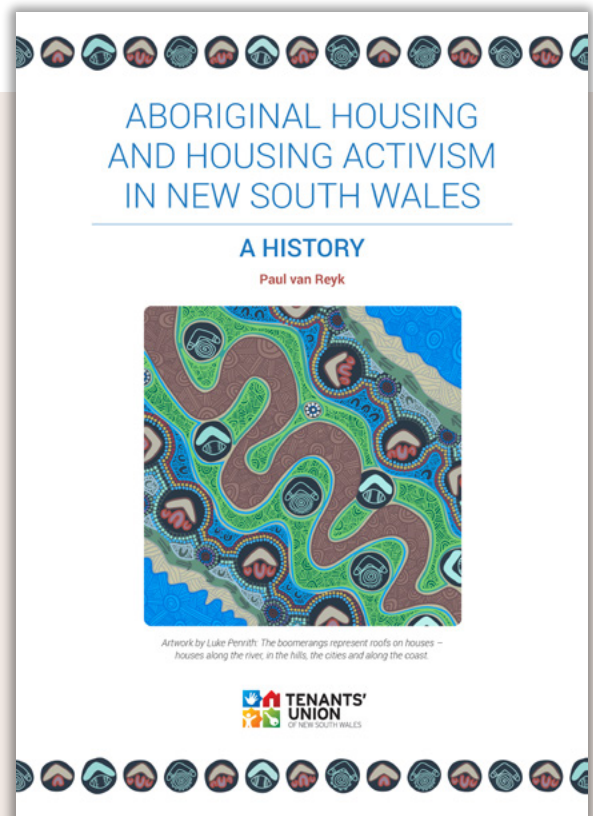
We acknowledge that as a result of government policies and practices, Aboriginal and Torres Strait Islander Peoples have been dispossessed from Country without compensation.

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

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

We recognise, respect and value Aboriginal and Torres Strait Islander Peoples and their communities and will work in partnership with them and their advocates to deliver appropriate advice and advocacy for all Aboriginal and Torres Strait Islander tenants.

The Tenants' Union supports the reforms called for in the Uluru Statement from the Heart. We actively support Aboriginal people in their struggle for Treaty, Voice and Truth. As a first step we support the establishment of a First Nations Voice, in a form determined by Aboriginal and Torres Strait Islander Peoples and enshrined in the Constitution.



In May 2023, we were pleased to publish a report by Paul van Reyk (Tenants' Union Organisational Support Manager) that documents the history of Aboriginal housing activism in NSW from the dispossession of land and housing at the beginning of colonisation to the unfinished business of securing appropriate, affordable housing aligned with the priorities and needs of Aboriginal people today.

The report highlights the ongoing resistance and resilience of Aboriginal people. It looks at early Aboriginal petitioners for land, the operation of reserves and missions, the Cumeragunja walk-off, the era of protectionism, the practice of assimilation, the establishment of Land Councils and the battles for land rights, the schemes to provide public housing for Aboriginal people, and the emergence of Aboriginal-run and dedicated tenants advice services

The report was developed with Aboriginal advocates and housing workers.

tenants.org.au/reports/aboriginal-housing-activism

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 all renters facing housing disadvantage, including:

- Aboriginal tenants
- Boarders, lodgers & other marginal renters
- Private rental tenants
- Public and community housing tenants
- Land lease community residents.

We are the main resourcing body for the Tenants Advice & 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)*.

Our Vision

'We seek a future where all renters have the home they want.'

The Tenants' Union works with and for renters for housing justice. We work to ensure renters, particularly those in need, have homes that are safe, secure, affordable and sustainable.

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 systemic change in law and policy so tenants have more safe, secure, affordable and sustainable homes.
- We listen to and are accountable to renters.



Participants at the Tenants' Union Annual General Meeting, November 2022.



Tenants' Union staff and colleagues, May 2023.



Tenants' Union staff and volunteers, July 2023.

CHAIRPERSON'S MESSAGE

It will be no surprise that the housing crisis in NSW has dominated our work this year. I could not be more proud of how the Tenants' Union staff have risen to meet each challenge and obstacle that has confronted renters in NSW, and I thank them for their persistence and dedication.

In a state election year, the Tenants' Union put the renting experience on the front page and brought attention to the pressing need for comprehensive reforms. We gained an historic consensus from all parties that renting needs to be improved – including reform to no grounds evictions.

In the face of steep rent increases felt by renters across NSW, our new Rent Increase Negotiation Kit takes the most authoritative source of data on market rents, and provides renters with an evidence base and legal info to get a fair deal – by speaking directly with the agent or landlord, or at the Tribunal. Tools such as these – which help many renters to self advocate – allow us to serve a great many more people, at a time when the need for our support could not be greater.

In the wake of natural disasters, we have continued to deliver specialised support to communities affected by floods, with a particular focus on land lease communities. We also increased *Outasite* publication to twice yearly, allowing us to reach thousands of land lease community residents with timely info about their rights.

We know that in challenging times, community building is crucial. We presented a photography exhibition and competition, creating a community event which brought together over one hundred people, and hosted a screening of the film 'Evicted.'

I would like to thank my Board colleagues for their service and commitment to the Tenants' Union. After years of remote meetings, it was a delight to be able to



finally meet in person for our 2023 strategic planning session. We continue to consider how we can improve our performance as a governing body and add value to the Tenants' Union.

I want to thank our Directors who stood down during the reporting year, Mauro Di Nicola and Chris Hartley, and welcome our new board members Linda Przhedetsky and Giancarlo de Vera. I'd also like to thank Julia Davis and Maree O'Halloran for their years of service as Chair and Treasurer, respectively – the Tenants' Union has benefited greatly from their leadership, and we continue to enjoy their wisdom.

Melissa Brooks
Chairperson

The last year has been truly challenging for many renters across the state as well as their advocates and supporters. We have seen unprecedented rent increases leading to mounting pressure on so many people, families and communities. The silver lining that renting and housing is gaining more and more attention is small comfort for those bearing the brunt of this crisis.

In the face of these challenges, the staff of the Tenants' Union have again demonstrated their commitment and resolve to being champions for renters. We do this on several fronts: through our legal practice, seeking justice by testing the law and advising renters how to resolve issues for themselves; through our continuously improving resources, websites, technologies, and design approach; through our training and community education sharing information with people from a range of backgrounds; and through working to ensure the conversation in community, government and industry values the experience of renters and their advocates.

We farewelled some stalwarts of the Tenants' Union: Anne Coates, Anushke Guneratne, Riley Brooke (in July 2023), Paul van Reyk (in July 2023), and Robert Mowbray (who was on leave until retiring in November 2023). Each in their own ways contributed enormously to the cause of tenants in NSW and we wish them all the best. Robert Mowbray deserves a special commendation – as a Tenants' Union founding figure and ongoing inspiration in tenant advocacy, his contribution over the last five decades has been nothing short of phenomenal.

This Annual Report demonstrates how we continue to find ways to speak with, to, and for, renters as old and new challenges arise. We listen closely to Tenant Advocates in the Tenants Advice & Advocacy Services, renters on our Advice Line, supporters and stakeholders at community events. The key issue that emerged this year was the challenges around rent increases. We can't fix our broken housing system but we can give people more tools to survive it – so we launched the Rent Increase Negotiation Kit, a combination of legal and practical information and data that helps in negotiations and at the Tribunal. Over 57,000 people have utilised the kit and we continue to hear stories of people who were able to get rent increases reduced as a result.



We also began the process of finding new offices from which we can continue to work and the parallels to the tribulations of tens of thousands of renters across the state were not lost on us! Struggling to find good quality, well-located buildings at an affordable price is a signal not of individual failings, but that our treatment of land and property is not serving the needs of the community. Much of the work of the Tenants' Union is to raise the expectations – of renters, of government and of the community at large.

As we look into 2024, we must maintain our energy and momentum but we also have to make sure that we reflect on our capacity. We consistently achieve more than can reasonably be expected from our small team. To maintain our capabilities and continue to deliver for the community we will need to look for ways to increase our funding to ease the pressure: we continue to seek a restoration in real terms of funding sourced from the interest on the nearly \$2bn of renter's bonds held in trust by government.

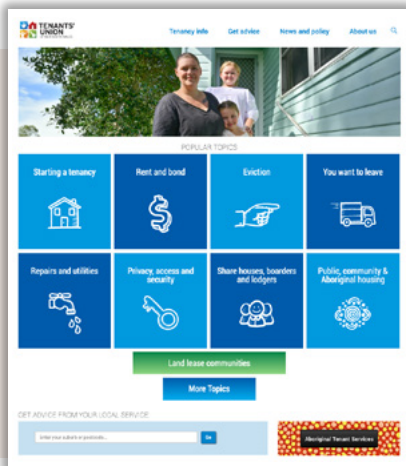
We will continue to cultivate the movement for good, safe, and affordable homes for renters. At the same time we will seek to ensure that no individual – whether that be individual renter, Tenant Advocate, or Tenants' Union staff member – be asked to carry the pressure of an unfair and uncaring system alone. We must continue to stand together – and we welcome everyone who seeks a good home to stand with us.

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 & Advocacy Services (TAASs) across NSW
- Community workers and other people working with tenants



tenants.org.au



Page views: 4,271,522 (16% increase)

Sessions: 1,366,147

Users: 883,835



Factsheets unique page views: 1,662,153

Most popular topics: Rent increases, landlord ends agreement, repairs and maintenance, you want to leave, ending fixed-term tenancy early, bond, sale of premises, pets, access & privacy, mould, utilities.



Tenant News email newsletter

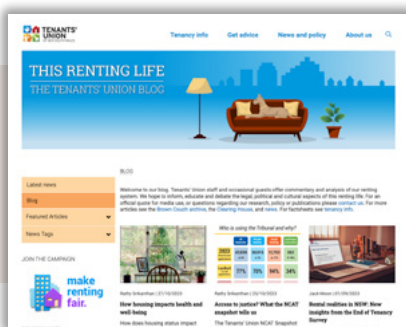


Subscribers: 3,202 (37% increase)

Issues over the year: 10



Average open rate: 34%



This Renting Life – Tenants' Union blog



Page views: 111,621

Users: 43,198



Posts over the year: 20



The Noticeboard – land lease communities



Page views: 49,456 (27% increase)

Users: 10,006



Outasite print magazine: 6,600 copies distributed



Outasite lite email newsletter: 1,390 subscribers (12% increase). **Issues over the year:** 2



Media appearances

Total mainstream media appearances: 220



- **Print (quoted):** 134
- **Radio:** 40
- **TV:** 44
- **Op eds:** 2



Social media



Facebook: 9,123 followers (13% increase). Average engaged users 1,543 per month; reach of 18,217 users.



X (formerly Twitter): 3,093 followers (4% increase)



Instagram: 808 followers (58% increase)



Podcasts – Renting Matters and Renting Bytes



Episodes: 6

Average listens per episode: 449



Rent Tracker postcode tool



Page views: 82,909 (101% increase)

Users: 31,976



Rent Increase Negotiation Kit



Page views: 57,342

Users: 18,206



Housing News Digest email



Subscribers: 939 (115% increase)



Issues over the year: approx 52 (one issue 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 & Advocacy Services (TAASs) across NSW
- Community workers and other people working with tenants



2022–2023 legal advice & assistance at a glance

13,431

Total instances of advice and assistance



Advices to Tenants Advice & Advocacy Services: 599
(to over 90 Tenant Advocates in 19 TAASs across NSW)



Advices to Aboriginal TAASs: 140



Advice Line (advices direct to renters): 684



Additional advices direct to renters in support of local TAASs during flooding and other service difficulties: 88



Advices to other organisations: 32
(e.g. Community Legal Centres, People with Disability Australia)



Residential Land Lease Communities: 199



Total referrals: 13,841 (including social media)

- **Information/referral by Tenants Union staff outside of advice line hours:** 1,477
- **Tenants' Union Digital Assistant:** 10,250



Other services (e.g. title searches): 301

WE ADVISE AND ASSIST

Advice line case studies

Repairs and termination

The faulty dishwasher at Margaret's* place leaked and water seeped under the floating floorboards in the kitchen. Margaret notified her landlord and the landlord did not respond to her requests for repairs. Margaret was then served a notice of termination under section 109 of the *Residential Tenancies Act 2010 (NSW)* (RT Act). The landlord claimed that the tenancy agreement was frustrated as the property was partly uninhabitable due to the water damage in the kitchen. Margaret said that the premises was completely habitable, and that the landlord should be able to fix the issue without terminating the tenancy. We advised the tenant that the section 109 notice could possibly be retaliatory within the meaning of section 115 of the RT Act and could also amount to a repudiation of the landlord's obligation to repair the premises. We advised the tenant to obtain a builder's report relating to the kitchen issue to substantiate her claim that the premises were not uninhabitable. We outlined tenant's legal options in respect of the termination notice, including filing an application to the NSW Civil and Administrative Tribunal (NCAT) that the termination notice was invalid as it was retaliatory and s109 did not apply. We also advised Margaret on how she could file a cross-application to NCAT to seek repairs, rent reduction and completion.

Rent increase and retaliatory termination

Tom* was in a periodic tenancy agreement. He received a rent increase notice in May 2022. And a second rent increase notice in January 2023. We advised Tom that this was an invalid notice under s 41(1B) of the RT Act. A couple of weeks later, Tom called the advice line to say that he had written to the real estate agent stating that the rent increase notice was invalid and asking the landlord to withdraw it. Tom said that a week later he had received no grounds notice of termination. We advised Tom about the possibility of making an application to the Tribunal under section 115 of the RT Act and assisted Tom to draft it.

Rent increase – rescind first notice to issue second higher notice

Garry* has been living at his property for over 10 years and has a periodic tenancy agreement. Garry says he has received a few rent increases over the years and he has always paid his rent on time. Garry received a

rent increase notice in early May 2023 to take effect in mid June. Whilst it was a substantial increase, almost ten times the previous increases Garry decided that he would pay the increase because he didn't want to make a fuss and he loves his home and has ties to his local community. A few weeks after receiving the increase Garry received a second rent increase notice for fifty dollars more than the first. Garry said that he called his property manager to check this and they replied that the landlord had been in the area on the weekend and seen that rental properties were being leased for more than the notice that Garry had been sent so they were rescinding the first notice and replacing it with a second. We advised Garry that the second notice was not valid because according to s41 (6) of the RT Act when under a periodic a notice of rent increase can only be cancelled or varied so as to reduce the increase amount. Garry said that he was worried to send an email to his property manager outlining that the second notice was not valid but he could not afford to pay the second increase amount. We assisted Garry over the phone to draft an email to his property manager outlining this section of the legislation.

Access for sale of premises

Lars* was in a fixed term agreement when his landlord decided to sell the property. Lars was informed by the managing agent that the landlord intends to sell and that a valuer would be attending the premises to carry out a valuation of the property. A week later, the managing agent said another valuer was attending to undertake another valuation. Lars did not object to this as he wanted to make things easy for the landlord. However, two weeks later, Lars received an email asking him to allow access to the property to prospective purchasers, with the times and days already set by the landlord's selling agent. The managing agent also told Lars not to be present at the property during the viewings and to make sure his goods are stowed away to ensure the property is "tidy." We advised that the managing agent must give Lars at least 14 days written notice before the first showing of the premises to prospective purchasers and not only that, the law makes it very clear that the landlord/agent must make all reasonable attempts to negotiate the viewing times with the tenant, and failing that the tenant could apply to the Tribunal for any scheduled access to be set by an order of the Tribunal. The insistence that the tenants not be at the property or that they must make an effort to tidy up the premises is also unreasonable and a potential breach of the tenant's right to peace, comfort and privacy, for which the tenant could seek compensation in the Tribunal.

* Names have been changed for privacy.

WE EDUCATE

We provide training and support to:

- Advocates in the 19 Tenants Advice & Advocacy Services (TAASs) across NSW
- Community workers and other people working with tenants
- Community legal education for advocates, community workers, and renters

In 2022–2023:

114

Advocates, community workers & volunteers trained

- 3% from Koori TAASs
- 45% from regional services

24,705

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

“This training is the best training event that I’ve ever attended. A lot was covered. I’d like to attend other training sessions you have in the future.”

– Participant, Tenancy Advice & Advocacy training, June 2023.

“Presentation remained on track and examples were very helpful in gaining a better understanding.”

– Participant, Introduction to Residential Land Lease Communities training, March 2022.

“I have done 13 courses in the last 12 months and this one was by far the most enjoyable. You guys have done really well and thank you for your time!”

– Participant, Tenancy Law for Non-Lawyers training, Aug 2022.

“Very informative training and has improved my confidence as an advocate.”

– Tenant Advocate, NCAT Formal Hearings training, Aug 2022.



Tenant Advocates and Tenants’ Union staff at an online meeting of the TAAS network, May 2023.

TAAS Regional Conference

Yuin Country, Batemans Bay, November 2022

70 participants from Tenants Advice & Advocacy Services (TAASs) across NSW attended the annual TAAS Regional Conference organised by the Tenants' Union. The theme for the conference was *Standing Strong* – acknowledging the strength of individual advocates as well as the TAAS network as a whole. The housing crisis, non-adequate funding for essential services, and the constant need for help with tenancy issues makes the tireless work of the TAASs even more impressive.

The conference provides an opportunity for collaboration and learning – from each other and from guest speakers. Some of the topics covered were the Fair Trading complaints process, NCAT set aside applications, the Bugmy Bar Book as a tool to further help disadvantaged tenants, a deep dive into the use of artificial intelligence in determining rental applications, a Make Renting Fair campaign workshop, various aspects of working with Residential Land Lease Community tenants and home owners, a presentation from John Minns (NSW Property Services Commissioner), and strategies to work with MPs. We also had a valuable opportunity to learn more about Yuin Country – its culture and history – thanks to local Elder, Uncle Rod Slokee.



Presenters at the conference: (left-right, top-bottom) Tenants' Union staff Grant Arbuthnot, Riley Brooke, Jemima Mowbray, Lehana De Silva; special guests Uncle Rod Slokee, Kim Busuttil (Senior Solicitor, Legal Aid NSW), and Tina Thiele (NSW Fair Trading).



Tenant Advocates and Tenants' Union staff at the TAAS Network Conference, Yuin Country, November 2022.

Building skills, building community

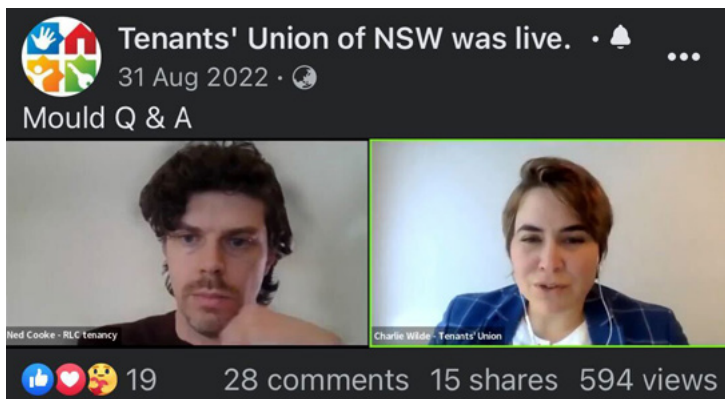
Our community education work focusses on developing skills, outreach, and creating resources to help renters. We also recognise that the Tenants' Union has a role to play in amplifying renters' voices, bringing the community together, and promoting positive messaging about renters and their value.

New resources

As well as keeping our existing resources legally accurate and up-to-date, in 2022-23 we developed new resources including:

- The **Rent Increase Negotiation Kit**
- An info sheet on the **Death of a Tenant**
- Tips for **Renting after a Disaster**
- Tips for **Negotiating with the Landlord**
- 7 new **sample letters** for land lease communities
- 6 new **podcast episodes** and 2 webinars.

Each of these new resources was developed in consultation with renters and advocates, and has been well received.



Mould webinar, August 2022.

Evicted: A Modern Romance

We hosted a screening of **Evicted: A Modern Romance** – a new comedy about renting in Sydney. The film follows a group of millennial housemates who get evicted and then have to navigate the rental market in search of a new place to call home. Our screening at the Radwick Ritz was a great success, and was followed by a panel discussion with the film makers and other guests.



Evicted: A Modern Romance screening, October 2022.



FACTSHEET • TIPS • PODCAST • LETTER TOOL

Renters are under extreme pressure from landlords. Rents continue to rise across NSW – tenants contacting the TAAS network are experiencing rent increases four times as often as pre-pandemic rates. Our new **Rent Increase Negotiation Kit helps renters understand their rights, access reliable data, and negotiate.**

The kit includes a factsheet, podcast, tips, and an interactive letter generator. Using the letter generator is easy: the renter supplies information about their home (dwelling type, number of bedrooms, postcode), current rent, and proposed rental increase. Our tool then compares the renter's home and proposed costs with NSW Fair Trading's rental bond dataset to generate a ranking identifying how the rent increase compares to similar homes in that suburb. Renters can then generate a letter, auto-populated with the relevant data findings, to use as supporting evidence in their rental negotiations.

The kit was launched in July 2022 and was accessed 57,342 times in the year to June 2023. Tenant Advocates have reported that the data analysis produced through the kit is highly regarded by Tribunal members.

THROUGH A RENTER'S LENS

Renters photography competition

A community building highlight this year was our first ever **statewide photography competition**, held over the summer of 2022-23. It proved to be a powerful window into renters' lives. We received 94 entries from all over NSW in the categories of 'People', 'Place' and 'Pets'. The entries were creative, heartfelt and poignant, revealing the struggles renters face, as well as resilience, connection, and humour.

The exhibition itself brought the community together and allowed us to celebrate each other and feel a greater sense of solidarity.

"At the photo competition I was so happy to be in the room with so many creative people. It just shows the stereotype of people who rent properties is completely wrong. We come from all different backgrounds, all walks of life, and find our happiness in places we don't actually own. We make our own homes."



– Rod Smith, winner of the 'People' category

"Not being able to have pets reflects the wealth disparity in this world. If you don't have the money, you are not allowed the basic ability to have a companion."

The Tenants' Union and this photo competition really highlight these stories with that focus on renting and combating the idea of transience. I really appreciate it for that."



– Dylan Young, winner of 'Pets' category



Through a Renter's Lens exhibition, Customs House, March 2023.

THROUGH A RENTER'S LENS: PEOPLE



Summer Shenanigans – Rod Smith

People Category Winner

I rented my three-bedroom house in Flood St Leichhardt with a view to having my family from Bendigo up for Christmas. So mum, dad, my sister and her two boys bunked down with my son Toby and I for a fun 2021 Christmas-NYE. The three boys – Tobin, Zane and Will – slept in a tent in the backyard. One of my favourite parts of living in the house was lying in a hammock strung between the two old olive trees in the backyard. Here my dad – also Rod – in his summer attire, is playing hide and seek with my youngest nephew Will – aged 6 at the time.



Keith Street Kitchen – Marlow Filmer-Sankey

People Category Finalist

This photo was taken in winter at my close friend Laura's house. Here their neighbours and friends, partner (my housemate) and activity fill the room. The conversations and movements overlap and abut but do not interrupt each other, my dog jumps for a toy swung mid air, Henry makes Laura laugh while Julia investigates images on the fridge. All these things could drown each other out, but much like our houses who are full to the brim with guests or housemates, pets and various to-ings and fro-ings, it fills the space with a warmth that a draft free house could never come close to.



Sisters – Max Lewis Liberman

People Category Finalist

Dad, is this our house? No, we rent it. I mean, It's someone else's and we're just living in it; and we give them money to live in it. And Daddy, can we get a house with a pool next time? Na, pools are too much work. You have to keep them clean and I'm already really busy. Why do you have to keep them clean? Why do you think? So if you swim in them, umm, with leaves in the pool, maybe some leaves will be sharp; and if you swim and it has a lot leaves in the deep side, then you'll touch the leaves and you might drown. And Daddy, when will we get our own house? I don't know, maybe, maybe after a long time. Dad, can we get a big house with an upstairs? Maybe, let's see. Daddy, is that rats? Yep. Maybe one of the rats is getting married.

THROUGH A RENTER'S LENS: PLACE



Transient Home – Daniel Gerling

Place Category Winner

"A home is not made from bricks and mortar, but love and memories". This quote from the classic movie "The Castle" is as relevant today as it was 25 years ago. It highlights the importance of being able to sink your roots into the ground and imprint your identity on the environment around you. Our homes are now seen as nothing more than investment opportunities to be flipped and sold in spite of the lives of the occupants. This transitory feeling is reflected in my photograph with my sister being transparent at her desk. As young renters we are vulnerable to having our home whisked away at a moment's notice for reasons such as excessive rent increases or no-cause evictions. The house will then be rid of our identity with a new coat of paint as if it were diseased.

In Our Living Room – Lehan Zhang

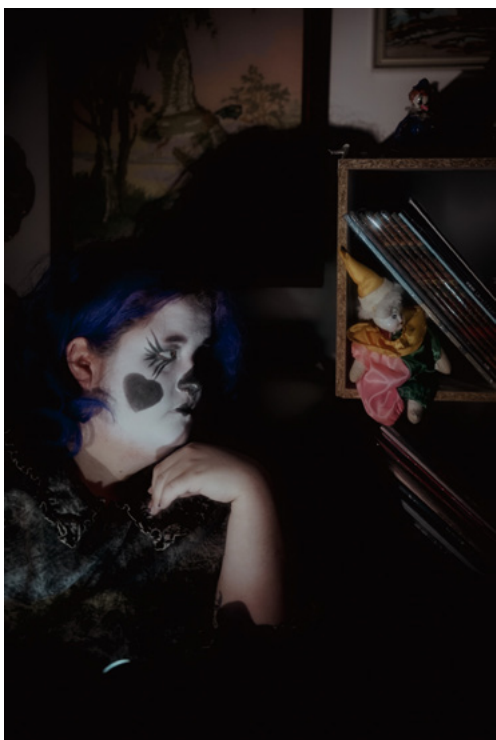
Place Category Finalist

I've moved houses five times in the past six years. The two possessions most dear to me that have accompanied me through all the moves is art works and my books. Hanging on the wall are a few artworks I own. I was so proud to

have found this big, white bookshelf for free on Facebook marketplace to house my steadily growing book collection. By sheer luck it fit the little alcove perfectly- seamlessly blending into the room- a statement centerpiece of our living area. We've all had our share of living with incompatible strangers- that's why I decided to give living with a friend a shot (and after seeing the rent prices for single studio dwellings). Living with a friend comes with it's own challenges and compromises- but the thing I most treasure is being able to do our own thing in the quiet and respectful

comfort of a home that we've built, together. My

housemate is reading by window and her shadow is reflected in the picture frame I'm holding. It's a reminder that this companionship is a memory that will travel with me through future houses, as treasured as my art and books.



The Clowns Complete Me – Berry Antonietti

Place Category Finalist

This is the first time I have ever moved out of home, I am 24 years old. My family home held a lot of judgement towards my art, and whenever I wished to create I felt like I had to hide. Moving in to my own space has allowed me the creative freedom to decorate and create an environment that inspires my creativity and vision. The walls are covered in trinkets that I have collected through my years. In this image— My vinyl collection and a single clown can be seen, alongside my own clown persona. We look towards each other with the same sentiment— We have settled, this once empty space has become home. My once clipped wings have spread again, like in the cross stitch art behind my head.

THROUGH A RENTER'S LENS: PETS

Coffee Watches Anxiously – Dylan Young

Pets Category Winner

Coffee is a very nervous cat, diagnosed and medicated for anxiety, just like his human. A flat is not just a home for Coffee, it is the instinctive understanding of safety and security all creatures seek out.

The past year living in Newtown, Coffee has blossomed into new confidence, trusting visiting friends, welcoming affection, and he's learned to love a good brush. While still skittish, he's learned the escape routes he needs if we look like we're walking too fast, if our hands might lash out to carry him to the dreaded vets office. He's become comfortable here.

Coffee and his human received a no cause termination notice and are forced to vacate by the 16th of February. When we consider the practice of treating a rental property as a financial asset – from the perspective of a cat, we can see the barbarism at work.



My Mantis Friend – Katriona R

Pets Category Finalist

Our pets / are not on the lease /
they arrive / without appointment /
fluttering / flying / crawling / taking
up residence / in overgrown foliage /
jasmine vines, / and my trove of
cheap pot-plants / I welcome them
all / bees, beetles, butterflies /
caterpillars / inching their way / from
leaf / to leaf / dragonflies darting /
rapid fire / back and forth / around
the washing line / and camouflaged
in fern fronds / each summer /
glimpses /
of green
mantids /
four

generations now / of wondrous tiny hunters / I like to call my friends /
small humans request / I coax one / onto my fingers / so we can admire /
their splendid presence / and cadent dance / at dusk / while crickets chirp /
I sometimes spy / the majestic predators / spring into action / pounce! /
a fly for dinner / as I weed / and water / compost / and clip, clip, clip /
cultivating / soft greenery / in this concrete courtyard / I wonder / when
the decision comes / a renovation / will bring higher rent / and new
tenants / what will happen / to the insects?

Mister Leo – Dan Durt

Pets Category Finalist

We always know when there is about to be a thunder storm as Mister Leo will burrow a little hiding spot under the bed blankets before it begins. He has many hiding spots around our home but under his blankey is one of his favourites.



Renters Secure Strong Commitments for Rental Reform: An end to 'no grounds'

Renters in NSW continue to face significant challenges to finding a good home that is safe, affordable, and secure. The rental housing crisis persists, with rents increasing overall and within existing tenancies. In co-commissioned polling with communities in Western Sydney undertaken in February 2023, 86% of renters told us they had experienced increases in their housing costs (rents) in the previous year. An increasing number of low-income households and even essential workers on award wages are now dealing with rental stress.

This is reflected in the fact that the number of renters seeking advice from the broader network of local Tenants Advice and Advocacy Services for rent increases is now four times higher, from 2.4% of cases before COVID to 9.8% in early 2023. Calls about 'no grounds' eviction also more than doubled during this time. Affordability and security remain critical issues for renters in NSW.

We need a renting system that recognises housing as an essential service. The key principle guiding regulatory settings and policies should be their effectiveness in ensuring access to homes that are healthy, safe, and affordable for renters.

This year however, renters have had some big wins. During the election, all major parties committed to ending 'no grounds' evictions, with NSW Labor promising to remove 'no grounds' provisions for ending a tenancy at the end of fixed-term agreements and during periodic leases. NSW Labor, who formed government following the March election, also committed to:

- establish a Rental Commissioner to be an 'advocate and voice' for renters
- make NSW tenancy laws more pet friendly
- introduce portable bonds
- better regulate rent bidding
- undertake a review of NCAT
- ensure renters' data and personal

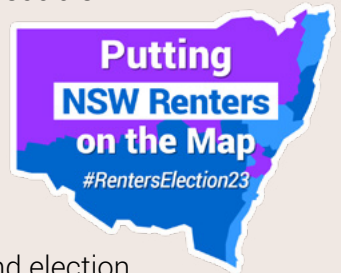
Continued on page 19...

Spotlight | #RentersElection23

More renters headed to the polling booths for the NSW State Election on 25 March 2023 than ever before, with around 30% of people in NSW renting their home according to the 2021 Census. In the lead up to the election, The Tenants' Union community campaign Make Renting Fair took the opportunity to work with renters, other community campaigns and organisations to highlight the combined cost of living and housing crises faced by renters and add pressure on all parties to deliver reforms for renters.

#RentersElection23 actions included:

- Partnering with Sydney Alliance and Democracy in Colour, coordinated a three week action: 'Renters Talk: It's time to listen'. This involved door-knocking and community stalls across Western Sydney to talk directly with renters and share their experiences and stories via our socials.
- Developed and published map and campaigning toolkits through **Putting NSW Renters on the Map**, an online resource providing local data, information and advocacy tools, including renters' stories.
- Undertook joint polling with Western Sydney renters on housing issues and election and paired this with analysis of census and other data as part of a targeted media strategy. This resulted in two lead articles in *The Daily Telegraph* (headlines: 'Renters Hold the Key' and 'You will pay a price: Renters to decide election') highlighting the importance for all parties in considering cost of living and housing pressures on renters going into the March election.
- Working with Sydney Alliance, as part of the core organising team we helped to organise the Westmead Housing Assembly in February 2023. With over 900 people attending, the Alliance secured commitments from the Treasurer and Shadow Treasurer to end 'no grounds' evictions, start consultation on introducing minimum mandatory energy efficiency standards in rental homes, and radically boost the supply of social and affordable housing.



Sydney Alliance Housing Assembly, Westmead, February 2023.

WE ADVOCATE

information is stored securely, and better protect against data breaches, and

- provide \$1 million in additional funding for Tenants Advice & Advocacy Services and 5-year contract terms

We continue to push for robust rental reforms, as the NSW Government starts consultations and begins to implement commitments to address the housing crisis.

Advocacy highlights

We advocated to:

- Share the importance for renters in being able to keep pets with them in their rental homes, and the need for tenancy reforms to make this easier in NSW via our **formal submission** and the collation of renters' and campaign supporters' contributions via our **Make Renting Fair submission** to the Keeping Pets in Rental Homes consultation.
- Raise land lease community residents' concerns and priorities as reforms to the *Residential Land Lease Communities Act* (RLLC Act) are introduced, including on sustainable infrastructure, community rules, transfer of site fees, RLLC register, site infrastructure and maintenance and mandatory education for operators. This has included a focus on unpacking the roadblocks that prevent home owners from installing solar and assisting residents to test current provisions in the Act to get consent to install solar panels.
- Highlight the failure of reforms to strata law to prioritise and build participation and engagement of renters in strata scheme communities. We also worked closely with Women's Legal Service NSW and Domestic Violence NSW to continue

raising the importance of removing barriers to keeping pets in strata (highlighting the double hurdle renters face), especially for those who have experienced domestic violence.

- Examine the impact for housing of Northern Rivers floods with **UNSW City Futures Research Centre's co-commissioned research**, identifying key areas for addressing housing vulnerability during disaster recovery for regional Australians.
- Engage with all parties and candidates during the NSW election, hosting a **joint Parliamentary briefing, tracking election commitments**, and providing written briefings on key reforms to enhance security and affordability in the NSW renting system.
- Work with Government and decision makers to provide a better understanding of required reforms to address rent bidding in the NSW private rental market, as outlined in **our submission** and participation in the **Parliamentary inquiry**.

Working with renters

We are committed to working with renters and other tenant organisations. This includes land lease community resident organisations, the Residential Land Lease Communities Forum and the Parks Legal Working Group (convened by the Tenants' Union).

Through the year we also built strong relationships with our community campaign supporters, engaging them as 'Campaign Leaders' in the Make Renting Fair campaign and working with them to coordinate campaign actions (see for example #RentersElection23 spotlight above).

Continued on page 20...



Make Renting Fair pets action in Camperdown, with Jenny Leong MP, Inner West Council Deputy Mayor Chloe Smith, Councillor Liz Atkins, & Councillor Dylan Griffiths, Nov 2022.



Make Renting Fair community stall in Bellingen, organised with Mid Coast TAAS and the local Housing Matters Action Group, December 2022. Photo by Jay Black.

WE ADVOCATE

At a national level we work closely with fellow members of the National Association of Renters' Organisations (NARO), including Tenants Queensland, the Tenants' Union of Tasmania, Tenants Victoria, Circle Green Legal Centre WA, and the Darwin Community Legal Service. In our work with NARO, we met with Federal Housing Minister Julie Collins and jointly called on National Cabinet to deliver priority rental reforms across the country. We proposed:

- an end to no cause terminations, including at the end of a fixed term
- reforms to stabilise rent prices including by setting clear limits for rent prices and increases;
- minimum energy efficiency standards for rental homes, and
- enhanced frameworks to support compliance and introduce accountability for non-compliance with existing laws, including around privacy

Working with others

We also work with other housing and consumer action organisations. In 2022-2023, they included:

- Sydney Alliance, with the Housing and Energy Action Team
- Groundswell: Alliance of community organisations working with tenants on the impact of social housing renewal in Waterloo
- Healthy Homes for Renters
- Democracy in Colour
- Ageing on the Edge
- Council on the Ageing
- Physical Disability Council of NSW
- Public Interest Advocacy Centre, including in their Energy and Water Consumer Advocacy Group
- Australian Energy Regulator, as part of their formal Consumer Consultative Group



The Hon. Courtney Houssos MLC, the Hon. Chris Minns MP, Leo Patterson Ross (Tenants' Union CEO), and the Hon. Rose Jackson MLC, at Roundtable for Fair Renting, January 2023.



Healthy Homes for Renters event at NSW Parliament, October 2022.



Housing Solutions for Everyone joint parliamentary briefing, organised by Homes for People – a coalition including Make Renting Fair, Building Better Homes, Healthy Homes for Renters, and Ageing on the Edge – November 2022.

Spotlight | NCAT Snapshot and NCAT Evictions Map

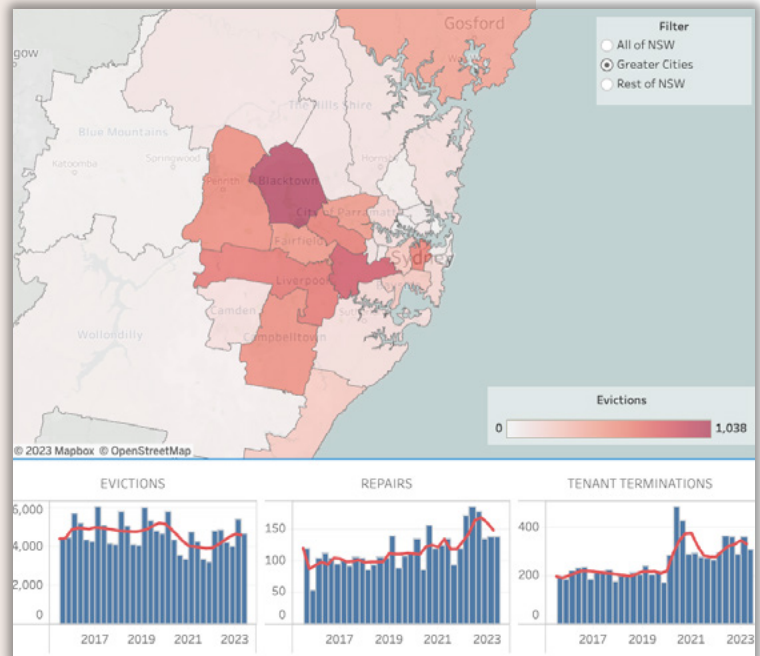
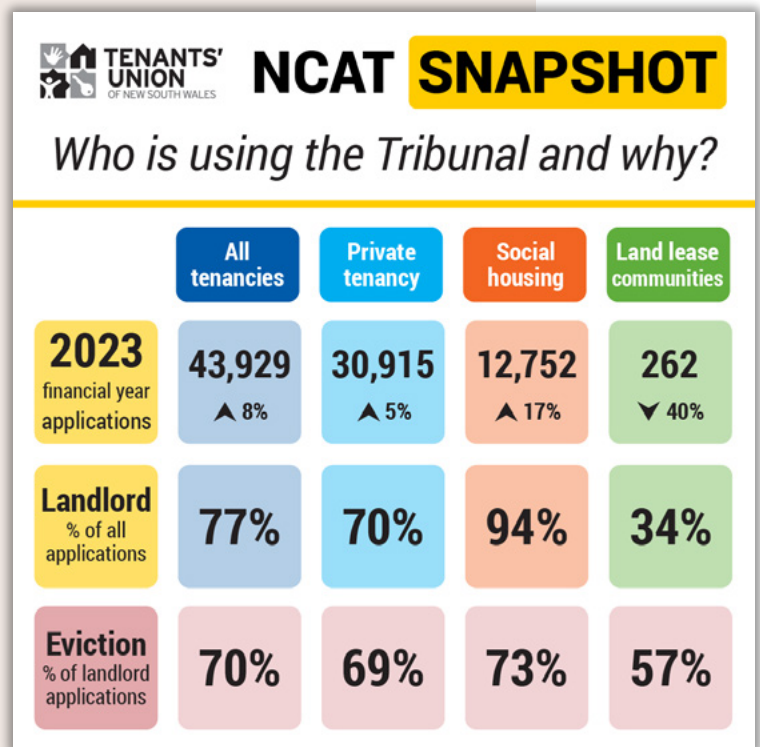
The NSW Civil and Administrative Tribunal (NCAT) is the main forum for resolving tenancy disputes between landlords and tenants in NSW. While this can mean that the Tribunal is a way for renters in NSW to assert their rights, landlords are disproportionately the applicants for disputes lodged at the Tribunal.

Applying to the Tribunal takes time and resources that renters often struggle to access. Many renters will terminate their tenancy rather than pursue legal recourse. The data with the [NCAT Snapshot](#) and [NCAT Evictions Map](#) allows us to examine key dimensions of this power imbalance by breaking down Tribunal applications by user type, application type and geography.

Landlords are far and away the people most likely to initiate Tribunal proceedings. Across private and social tenancies, 77% of Tribunal applications begin with landlords. When you hone in on social housing, the figure jumps even higher, with 94% of all social housing matters before the Tribunal initiated by landlords. This alarming trend not only raises critical questions about the fairness of the system but also underscores the formidable challenges tenants face in navigating legal recourse with the threat of 'no grounds' evictions looming over them.

Power is always relevant to understanding the relationship between landlords and renters. However, this power dynamic is felt most acutely by renters in lower socioeconomic areas and those residing in public and community housing. Look at the NCAT Evictions Map and you'll see that Greater Western Sydney and the Central Coast experience significantly higher rates of eviction compared to other parts of the state. Public housing tenants are twice as likely to face eviction compared to someone renting privately. But for community housing tenants, that eviction rate escalates to 10 times higher.

Our NCAT Snapshot and NCAT Evictions Map are tools designed to ensure the public has access to up-to-date information on who is using the Tribunal and why. We're committed to updating the data regularly so the dashboard remains relevant and the spotlight remains firmly fixed on the stark reality for renters.



Spotlight | Embedded networks leaving renters disadvantaged

An increasing number of renters, especially in strata and in Residential Land Lease Communities (RLLCs), find out once they have signed their tenancy or site agreement that their new home is a part of an embedded network. Embedded networks are private energy or utility networks, where the network generally buys energy in bulk from a larger provider and on-sells to renters or residents.

Renters in embedded networks face significant structural disadvantages compared to other energy consumers, often finding themselves locked into uncompetitive pricing arrangements, and with much more limited access to information and fewer protections.

Tenants' Union advocacy on embedded networks includes our [written submission to the NSW Parliamentary Inquiry](#) into Embedded Networks, providing evidence at the Parliamentary Inquiry hearings, our submission to the IPART review on pricing in embedded networks, and our continuing to raise concerns about the disadvantage renters face in embedded networks with the Australian Energy Regulator as a member of their Consumer Consultative Group. In our advocacy we highlight the following four key issues:

- The lack of disclosure about embedded networks,
- The very live issue of the setting of electricity charges for residents in RLLCs,
- The infrastructure and supply issues faced by many residents living in RLLCs, and
- The inability for consumers on embedded networks to access EAPA vouchers. They need assistance and should not be treated differently due to where they reside.



Examples of old and rusty electricity infrastructure in a Residential Land Lease Community.

Strategic litigation

Strategic litigation over 2022-23 included:

- Preserving the remaining protection under the repealed *Landlord and Tenant (Amendment) Act 1948*
- Resisting a claim for possession of a tenants premises in the Supreme Court of New South Wales
- Resisting termination by an interstate landlord, in the Local Court
- Representing tenants in a Supreme Court action by a third party against their landlord, a Local Aboriginal Land Council
- Repair and compensation action in public housing
- Representative action in the Supreme Court re contractual site fee increases in residential land lease communities
- Contempt proceedings for disobedience of Tribunal orders
- Tribunal and Appeal Panel action re drainage in a residential land lease community
- A social housing provider using a 'no grounds' termination notice

Kincumber Nautical Village site fee increase litigation

In Residential Land Lease Communities (RLLCs) site fee increases can be controversial. There are two methods for site fee increases in the RLLC Act. One is by notice and the other is called the "fixed method." Fixed methods are found in the terms of the site agreements.

This matter was about a fixed method. In late 2018 residents of Kincumber Nautical Village (KNV) received notice of the calculation of their site fee increase according to the fixed method/s in their contract/s.

The fixed method in their contracts calculated the site fee increase by adding a CPI component + 3.75% + a proportion of the operators increased costs + any changes in taxes. Most of the agreements also included a rounding up to the nearest dollar addition.

The residents applied to the Tribunal (NCAT) challenging the method of calculation. The RLLC Act requires that fixed methods be "one fixed method." The Tribunal found that the method contained more than one fixed method.

KNV appealed to the NCAT Appeal Panel. The appeal was allowed. The residents (52) appealed to the Supreme Court. In the final judgement (December 2022) the Court agreed with the Appeal Panel and dismissed the appeal. A compound method was found to be a single fixed method.

But, something happened along the way. The Court decided to treat the appeal as a representative proceeding. This allowed for one named litigant resident to seek orders regarding all the residents. Justice Rothman said it will result in a significant saving of costs to the defendant, who needs now to file only one defence instead of 52, and participate in only one proceeding... And, the same applies to applicants. So, future Supreme Court appeals may be conducted on the same cost saving basis. This is a positive result from the matter.

How site fee increases may be done in RLLCs is still subject to law reform consultation with the NSW government. This process is informed by the litigation undertaken by the Tenants' Union and others.

Note the Statutory Review of the RLLC Act, tabled in Parliament in November 2021 said at Recommendation 10, "Make the fixed method of increase simpler to understand and easier to predict by limiting the number of variables that can be used in the 'other' option to a single variable."

The reported decisions:

Kincumber Nautical Village Pty Ltd v Morris [2020] NSWCATAP 263 (10/12/2020)

Rowe v Kincumber Nautical Village Pty Ltd [2022] NSWSC 533 (4/5/2022)

Rowe v Kincumber Nautical Village Pty Ltd [2022] NSWSC 1378 (27/10/2022)

Rowe v Kincumber Nautical Village Pty Ltd (No.3) [2022] NSWSC 1701 (15/12/2022)

Community land shared

Our clients are tenants of their Local Aboriginal Land Council (LALC). On the same land as their house is another building that has been used by another community organisation (ACO) for decades. ACO, based on historical transactions, has sued the LALC for possession of the whole of the land according to a putative lease of 99 years. Our clients are further respondents.

The proceedings, started in late 2021, are in the Supreme Court. They are listed for hearing in December 2023. They have been complicated by interaction with the *Aboriginal Land Rights Act 1983 (NSW)*.

This matter has been a burden on our clients. They face losing their home by a contest that is primarily between the LALC and ACO.

We have engaged a barrister, obtained a grant of legal aid and supported the clients through the various necessary processes of the litigation. The processes have included filing defences and affidavit evidence. There have also been amendments to the original claim.

Mediation was attempted in late 2022. Further negotiation is being undertaken toward possible settlement in 2023.

Constitutional question

In late 2022 we were referred a client from a Tenants Advice and Advocacy Service. The tenant/client had been served with a 'no grounds' termination notice and not been able to move out.

The rental market in the area was very tight due to bushfires and the Covid migration to the regions. The tenant is on a low fixed income and could not afford the few places available. They are still house hunting. They are also on the priority wait list for social housing.

The landlord applied to the Tribunal when the notice of termination expired. The application was dismissed by the Tribunal because the landlord lives in another state of Australia.

This is because of a High Court decision regarding the original jurisdiction of the High Court in matters between residents of different

states. The Tribunal cannot hear matters between residents of different states.

In NSW there has been enacted a workaround whereby matters of this kind can be recommenced in the Local Court or the District Court.

The landlord recommenced in the Local Court. The Tenants' Union has represented the tenant in the Local Court. We are resisting strict application of the no grounds termination provision of the *Residential Tenancies Act 2010* on the following basis:

- The Act says NCAT "must" evict the tenant,
- That is – the Act dictates the decision,
- A Local Court Magistrate is a judicial officer, &
- Dictating the result of the matter is incompatible with judicial discretion.

The matter is listed for hearing in late November 2023.

Protected tenant

In late 2022 the Tenants' Union was successful in resisting eviction proceedings against an elderly client in the Supreme Court. Our client is a protected tenant under housing crisis legislation from 1948. Our client was 75 years of age when the developer landlord started threatening eviction proceedings. Three years later, after several failed negotiations, the developer landlord commenced proceedings in the Supreme Court to evict our client. Our client was 78 when he attended Court in late 2022 and on the morning of the trial, the landlord developer abandoned proceedings and sought leave to discontinue with costs payable to our client. However, the developer landlord did not pay our client's costs and now the matter is being determined by a Court appointed costs assessor. In the meantime, the developer landlord decided to increase our client's rent by 4300%, glossing over the rent control provisions of the 1948 Act. This rent determination matter is now before the Local Court, and our client, who is now close to 80 years old, continues to fight against the developer landlord's various attempts to evict him.

A STRONG & DYNAMIC ORGANISATION

In 2022–2023 we:

- Successfully continued online work-from-home and training operations under COVID-19 health and safety precautions.
- Met all our performance indicators and reporting requirements.
- Undertook staff professional development, including attending discrete training in Community Legal Centres NSW Quarterlies.
- Held regular staff, legal practice and social club meetings to connect, communicate and collaborate across the organisation.
- Our Board met seven times during 2022-2023, including a strategic planning day.
- Our Finance and Human Resources subcommittee met eleven times during 2022-2023.
- The Board maintained its subcommittee meetings as needed in Governance & Membership, and Policy Review.
- Worked with the Tenants Advice & Advocacy Services to help ensure the network's service delivery continues to meet community needs.
- Began bargaining for a new Enterprise Agreement to ensure the organisation maintains fair working conditions.

Our Board

- **Julia Davis** (Chair to November 2022, Secretary from February 2023)
- **Melissa Brooks** (Secretary to February 2023; elected Chair from November 2023)
- **Giancarlo de Vera** (elected AGM November 2023)
- **Mauro Di Nicola** (to October 2022)
- **Olivier Gonfond**
- **Chris Hartley** (Vice-Chair)
- **Brendon McKeon**
- **Maree O'Halloran** (Treasurer to February 2023)
- **Linda Przhedetsky** (elected AGM November 2023)
- **Lisa Smaljov** (to November 2022)
- **Haley Winchcombe** (Treasurer from February 2023)

Our Staff

- **Grant Arbuthnot** (Principal Solicitor)
- **Patrycja Arvidssen** (Learning and Development Coordinator)
- **Riley Brooke** (Policy and Campaigns Officer to July 2023)
- **Zuzia Buszewicz** (Policy and Campaigns Officer July-September 2022)
- **Anne Coates** (Administration Coordinator to July 2022)
- **Lehana De Silva** (Solicitor – Aboriginal Support)
- **Justin Dowswell** (Technology Coordinator from October 2022)
- **Keisha Galbraith** (Administration Coordinator from September 2022)
- **Anushke Guneratne** (Technology Coordinator to August 2022)
- **Jeremy Kerbel** (Communications Coordinator)
- **Eliza Lourenço** (Media & Communications Project Officer, March-July 2023)
- **Jack Moon** (Data and Research Officer)
- **Jemima Mowbray** (Policy and Campaigns Manager)
- **Robert Mowbray** (Advocacy Officer – Older Renters to November 2023)
- **Olivia Nielsen-Gurung** (Advocacy Officer)
- **Leo Patterson Ross** (Chief Executive Officer)
- **Eloise Parrab** (Land Lease Communities Officer)
- **Daen Phillips** (Aboriginal Paralegal)
- **Ashmita Rao** (Videography Project Officer, April to July 2023)
- **Paul Smyth** (Land Lease Communities Solicitor)
- **Dylan Stanford** (Administration Assistant to April 2023)
- **Isobel Stockler** (Administration Officer)
- **Paul van Reyk** (Operational Support Manager to July 2023)
- **Charlotte Wilde** (Community Education Coordinator)
- **Rita Wilkinson** (Project Officer to August 2023)
- **Cass Wong** (Solicitor – Strategic Litigation)

Holiday Hotline staff – summer 2022-2023

- **Naomi Hare**
- **Arjun Lamb**
- **Samir Pokharel**
- **Ashmita Rao**
- **Rita Wilkinson**

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 2023

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 2023



	Note	2023 \$	2022 \$
Revenue	4	2,457,077	2,415,319
Interest income		35,592	3,667
Total revenue		<u>2,492,669</u>	<u>2,418,986</u>
Expenses			
Accounting fees		(48,204)	(46,800)
Client support costs		(18,331)	(38,092)
Computer expenses		(21,849)	(21,795)
Consultancy fees		(15,945)	(47,157)
Depreciation and amortisation expense	5	(147,043)	(145,419)
Employee benefits expense		(2,011,954)	(1,980,087)
Finance costs	5	(2,686)	(6,740)
Meeting expenses		(40,379)	(37,323)
Membership fees		(20,130)	(18,143)
Postage, printing and stationery		(13,327)	(9,409)
Telephone and internet		(11,201)	(14,670)
Travel and accommodation		(18,544)	(3,511)
Other expenses		(82,672)	(79,171)
Total expenses		<u>(2,452,265)</u>	<u>(2,448,317)</u>
Surplus/(deficit) for the year	18	40,404	(29,331)
Other comprehensive income for the year		-	-
Total comprehensive income for the year		<u>40,404</u>	<u>(29,331)</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 2023



	Note	2023 \$	2022 \$
Assets			
Current assets			
Cash and cash equivalents	6	531,135	792,509
Trade and other receivables	8	172,639	29,731
Other financial assets	7	1,024,750	524,750
Other assets	9	38,848	8,491
Total current assets		<u>1,767,372</u>	<u>1,355,481</u>
Non-current assets			
Property, plant and equipment	10	21,386	71,179
Right-of-use assets	11	14,701	102,905
Total non-current assets		<u>36,087</u>	<u>174,084</u>
Total assets		<u>1,803,459</u>	<u>1,529,565</u>
Liabilities			
Current liabilities			
Trade and other payables	12	268,707	105,091
Contract liabilities	13	343,663	193,788
Lease liabilities	14	16,194	94,034
Employee benefits	15	494,175	453,654
Provisions	16	33,898	20,290
Total current liabilities		<u>1,156,637</u>	<u>866,857</u>
Non-current liabilities			
Lease liabilities	14	-	16,194
Employee benefits	15	165,561	165,662
Provisions	16	-	39,995
Total non-current liabilities		<u>165,561</u>	<u>221,851</u>
Total liabilities		<u>1,322,198</u>	<u>1,088,708</u>
Net assets		<u>481,261</u>	<u>440,857</u>
Equity			
Reserves	17	9,330	65,309
Retained surplus	18	471,931	375,548
Total equity		<u>481,261</u>	<u>440,857</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 2023





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 2023 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


Melissa Brooks
Chairperson


Hayley Winchcombe
Treasurer

30 October 2023

FINANCIAL STATEMENTS

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

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 Rochios

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 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 2023, 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* (ACNC Act) 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 2023 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 2022*.

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 ACNC Act and Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including independence standards)* (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 ACNC Act 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.

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



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 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 ACNC Act and the *Co-operatives (Adoption of National Law) Act 2012*. The directors' 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.

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 Co-operative's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the directors.

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



Tenants' Union of NSW Co-operative Limited

ABN: 88 984 223 164

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- Conclude on the appropriateness of the directors' 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 Co-operative'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 Co-operative to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the directors 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 directors 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, actions taken to eliminate threats or safeguards applied.

Rupaninga Dharmasiri
Partner

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

Date: 30 October 2023

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 invaluable experience and insight.

We acknowledge the funding provided by: the Australian Government through the National Legal Assistance Partnership; the NSW Government through both the Rental Bond Board administered by NSW Fair Trading and through the Community Legal Centres Program administered by Legal Aid NSW and the Public Purpose Fund; and the City of Sydney.

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

Bibha Bhusal
Hilary Chesworth
Rachel Daniel
Keith Harding
Oliver He
Merrilyn Kennedy
Hamish McPherson
Steven Menteith
Rita Wilkinson

Individuals

Allan Anforth
Christopher Brown
Emily Bullock, Hands Off Glebe
Sue Cripps, SC Consulting
David Dodge
John Engeler, Shelter NSW
David Evans
Professor Nicole Gurrán, University of Sydney
Jane Hearn
Joel Dignam, Better Renting
Pamela Hunter, VERTO
Thomas Chailloux, Public Interest Advocacy Centre
Trina Jones, Homelessness NSW
Jessica Kendall, Economic Media Centre
Dr Chris Martin, City Futures, UNSW

Continued...

Standing Advisory Groups

Aboriginal Advisory Committee

Gemma McKinnon
Zachary Armytage
Michelle Craig
Olli Wynyard Gonfond

Residential Land Lease Communities Forum

Lisa Ashby	Dorothy Hudson	Noleen Robinson
Rebecca Bryant	Judith Janczuk	Don Rose
Charles Dalgleish	John MacKenzie	Barry Sanders
David Dodge	John McCabe	Jade Saxelby
Tom Coster	Emma McGuire	Greg Skinner
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Judy Fogarty	Bob Morris	Kim Wright
Sandy Gilbert	Margaret Nicoll	
Nicole Grgas	Jock Plimmer	
Lynn Harvey	Mary Preston	
Ann Holmes	Franya Repolusk	

Individuals, *continued...*

Professor Alan Morris, Institute for Public Policy & Governance, University of Technology
Maria Nawaz, Grata Fund
Marie Sillars, Action for Public Housing
Professor Hal Pawson, City Futures Research Centre, University of NSW
Chris Perry
Dr Emma Power, Western Sydney University
Karen Pritchard, Uniting Care
Karen Appleby, Council on the Ageing
Joanna Quilty, NSW Council of Social Services
Tim Leach, Community Legal Centres Australia
Katrina Ironside, Community Legal Centres NSW
Margaret Reckless, resident Ballina Waterfront Village & Tourist Park, West Ballina
Ross Nicholas, CostsPlus Pty Ltd
Philippa Scarf, Legal Information Access Centre
Michael Snape, Legal Aid NSW
Lila Sullivan, Legal Aid NSW
Julia Cordina, Legal Aid NSW
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Lee Watson, Fair Trading NSW
Gowrilatha Edupuganti, Fair Trading NSW
Dr Alistair Sisson, Macquarie University
Julie Boland
Sue Whyte
Michele Kearns

Barristers

Paul Batley, Frederick Jordan Chambers
Nick Eastman, Martin Place Chambers
Alexander Flecknoe-Brown, 6 St James Hall Chambers
Greg James KC, 11 Garfield Barwick Chambers
Liam James, Level 22 Chambers
Chris Koikas, 11 Garfield Barwick Chambers
Pat Lane, Level 22 Chambers
Lara Nurpuri, Martin Place Chambers
Mark Seymour SC, Martin Place Chambers


Organisations


Ageing on the Edge NSW Forum
Australian Council of Social Services
Australian Services Union (ASU)
Better Renting
College of Law
Community Housing Industry Association
Community Legal Centres NSW
Community Legal Centres Australia
Council for Intellectual Disability
Energy and Water Ombudsman
Homelessness NSW
Indigi-Print
Law Access
Law Society of New South Wales
Legal Information Access Centre
Maritime Union of Australia
Metropolitan Local Aboriginal Lands Council
National Shelter
Newtown Neighbourhood Centre
Ngalaya Indigenous Corporation
NSW Council Of Social Services
Oz International Students Hub
Older Women's Housing and Homelessness Group
People With Disability Australia
Physical Disability Council NSW
Port Stephens & Affiliates Park Residents Assn Inc.
Public Interest Advocacy Centre
Rivergum Holiday Park Residents Committee
Shelter NSW
State Library of NSW
Sydney Alliance
Sydney Community Forums
The Catering Specialists
Tweed Residential Park Home Owners Assn Inc
Youth Action




Gadigal Country, Level 5, 257 Clarence St, Sydney NSW 2000
PO Box Q961, QVB Market Street NSW 1230

 tenants.org.au

 +612 8117 3700

 +612 8117 3777

 contact@tenantsunion.org.au

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