



N.S.W.

No.12

MARCH 1981

PRIVATE TENANCY

Responses to the Report of the Landlord-Tenant Act Reform Advisory Committee have been mixed so far: and in the press, the most anti-tenant comment has probably been the following editorial from the Sydney Morning Herald, July 25.

FOR RENT

Ending rent control

REWRITING OF the NSW Landlord and Tenant Act is long overdue. No State Government in recent times has had the courage to do so. Yet the climate for change is now more favourable than it has been for many years. The recommendations of a committee set up last year by the Wran Government may well offer a basis for completely reshaped legislation. No doubt a number of them are debatable, but the coming discussion process should not be carried on with closed minds. It is a pity, therefore, that the NSW Tenants' Union should already have resorted to terms such as "scandalous" and "completely unacceptable" in speaking of the recommendations.

There is a nagging, and growing, shortage of rental accommodation in Sydney, particularly at the lower end of the market. The Minister for Housing and Consumer Affairs, Mr Einfeld, commented on it towards the end of last year. "What," he asked, "can Governments do to tempt the investor into the private rental market?" There are various possibilities, which would involve tax changes by the Federal Government. But one, which is within the power of the State Government, would be to remove what Mr Einfeld called "the

residual worry of the entrepreneur, rent control."

Here he was on sound ground, and it was interesting to hear Mr Einfeld say that his Government was "not interested" in rent control, which was "bedevilled by all sorts of problems." For emphasis, he added: "I repeat: there will be no rent control under this Government." That is well and good, and it is true that, over the years, rent control has slowly evaporated. The latest estimate is that there are only about 30,000 rent-controlled premises in NSW, 23,000 of them in Sydney. So long as these vestiges of rent control remain, however, investors — with bitter memories of past injustices — are bound to be wary.

So there is a great deal to be said for the committee's recommendation that rent control be phased out over four years. Indeed, a shorter period would be preferable if investors are to be tempted. Yet the Tenants' Union says that the proposal represents "an attempt to shrug off the last welfare responsibilities of the private sector in housing." Why should it have any such responsibilities? There is no reason, and never has been a reason, why it should assume them. They are the proper province of the whole community, of taxpayers generally. It is precisely this kind of outdated attitude which makes investors shy away.



AND SOME MORE

There are more lawyers in jail than real estate agents, and more doctors are fined than real estate agents.

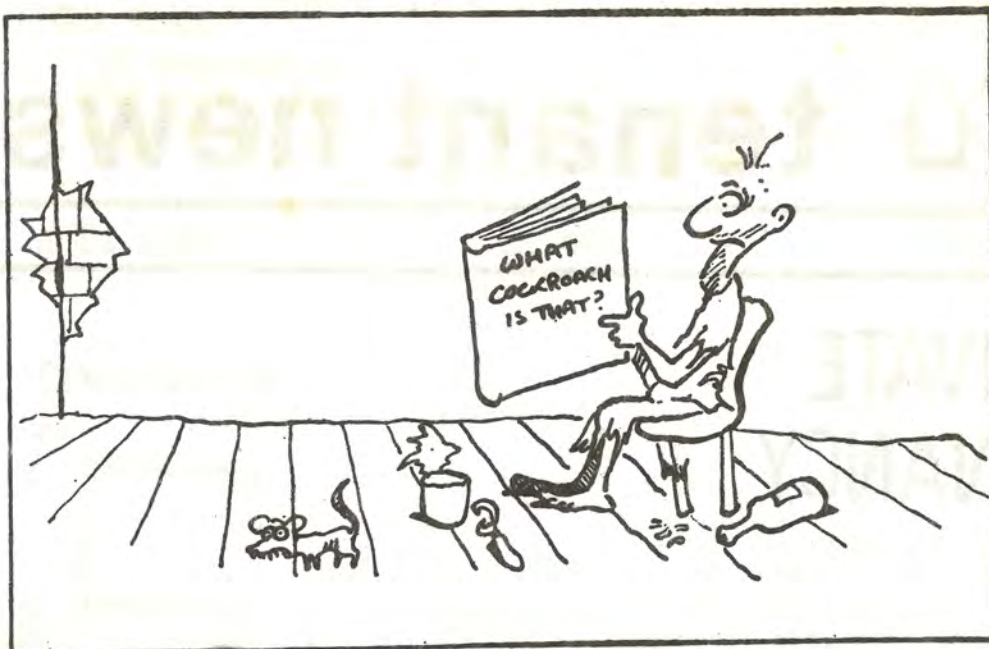
—Acting chairman of seminar held by Real Estate Employers' Federation.

Sydney Morning Herald, Sept. 20

Registered for posting as a publication Category B.
Newsletter of the Tenants' Union of N.S.W. Co-op. Ltd.,
118 Regent Street, Redfern, N.S.W., 2016

TENANTS' HOTLINE

Phone 698-8033 Mon - Fri 1 - 9pm
Sat 9.30am - 12.30pm



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UNION SEEKS LEASE REFORM

The NSW Tenants Union wants the State Government to prohibit lease fees paid to real estate agents.

It claims fees are "nothing but a straight rip-off."

The union's suggestions follow an announcement by State Consumer Affairs Minister, Mr Einfeld, that it was "most likely" he would soon fix the maximum fees real estate agents can charge on the sale and lease of property.

"Under normal circumstances, the lease form is never referred to solicitors, and there is no work whatsoever in drawing it up," the union spokesman said today.

"It is merely another impost and reaping a maximum profit.

"If, say, tenants renew their six-month lease four times over a two-year period at \$25 a time — that's \$100 they have paid out for nothing."

He also claimed that with the recent abolition of the Real Estate Institute's scale lease fees were ranging up to \$60 and more.

Crisis

"This is nothing but a cover for agents to charge what the market will bear," the spokesman said.

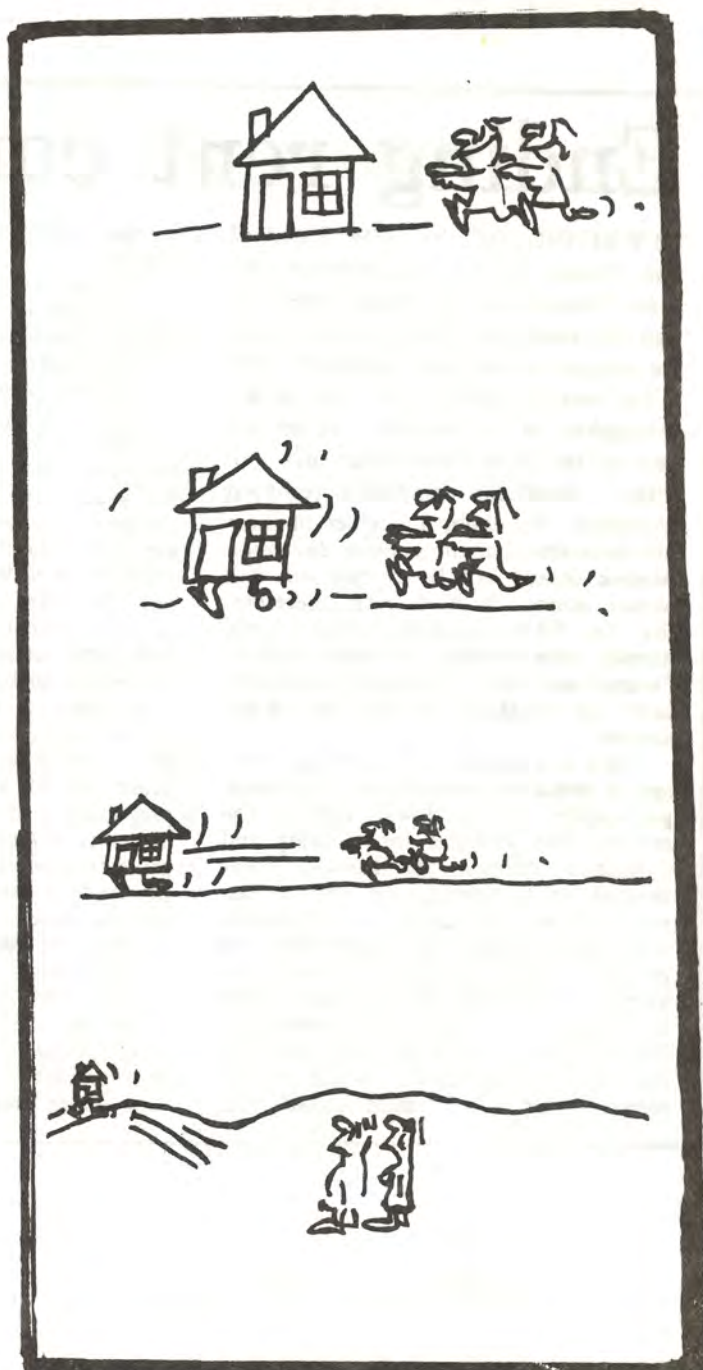
"And since we are in a situation of housing crisis, people are forced to pay more than they can afford to keep a roof over their heads.

"At the same time, we hope the minister will look at the question of abolition of stamp duty on leases."

MIRROR
10/12/80

A single parent went to the real estate agent. "Excuse me," she said, "I have two children and I'm on the pension. How do I stand for a lease?"

"You don't," said the agent, "You Grovel."



DAMP CONTEST

A Sheffield tenants organisation has launched a competition to find the city's dampest house and the first prize: a weekend away from it all in a luxury hotel.

ANNUAL MEETING

The Union's Annual General Meeting will be held at 7.30pm on Tuesday, 17th March, in St. Luke's Community Centre, 118 Regent Street, Redfern (T.U. headquarters). We encourage all members to attend, so the Tenants' Union will truly represent the wishes and needs of tenants.

Business will include presentation of annual reports and election of directors and committees.

The Tenants' Union is anxious to broaden the involvement of members in its activities. We hope you will be able to attend, and that you will feel free to express your viewpoint.

THE TENANTS' UNION: WHAT IS IT?

The Tenants' Union is still only a small organisation, but there is a steady stream of people joining it. Often, too, we get people who read an article quoting us in the newspaper, or who have got in touch via the Hotline. Many of these say they never before knew that we existed. Well, we exist. And we're not going away in a hurry. Here are some details about us.

The Tenants' Union was set up in Redfern on 17th August, 1976. South Sydney Community Aid was active in its formation, and it also came against the background of a rising concern over housing problems.

Thus, for example, Professor Ronald Sackville's report on "Law and Poverty in Australia" for the federal government's Poverty Commission proved a catalyst for the growing movement for reform in landlord-tenant legislation. Around the same time Shelter had been formed as a national housing consumer's organisation, and in N.S.W. Shelter set up a tenancy working group, which decided to attempt to build a mass tenants' organisation. Hence the Tenants' Union. In the years since 1976, the need for the T.U. has only grown greater.

The T.U. is registered as a co-operative, with the following aims:

- a) To become a representative organisation of tenants, and to act as spokesperson for the interests of tenants;
- b) To work towards a just landlord/tenant relationship through legislative and administrative changes;
- c) To improve the status and rights of tenants generally;
- d) To disseminate information on the rights and obligations of tenants;
- e) To promote the establishment of advice and resource centres for tenants and to promote autonomous local groups of tenants affiliated with the society, operating on the principle of self-help;
- f) To collect information and conduct research about existing conditions in the rental market and problems faced by tenants;
- g) To seek participation by tenants at all levels of government decision-making affecting housing and tenants in particular;
- h) To promote the availability of good quality rental housing for all persons, regardless of sex, age, ethnic or national origin, creed, marital status and family composition;
- i) To promote alternative forms of housing;
- j) To encourage participation of all members of the society in promoting the above objectives;

Policies and strategies aimed at achieving these goals are in a constant process of evolution. We believe that there are inherent injustices in the private rental market, and would like to see an end to it altogether. This is, of course, part of the wider injustice inherent in the present social structure. We need to develop strategies aimed at creating public awareness of this, and we need to confront these injustices. At the same time, while the private rental market continues to exist, we feel there are minimal principles that should be observed:

1. That every person has a right to accommodation at a reasonable standard/
2. A tenancy agreement is reasonable or fair insofar as it represents an exchange of equal value between the tenant and landlord.
3. That tenants have real choices about how and where they may live.
4. That the existence of adequate essential housing takes precedence over the provision of luxury housing.
5. Where rented premises can no longer be occupied because they have been damaged or destroyed or otherwise become incapable of occupation by the tenant as a result of an occurrence for which the tenant is not responsible, then the lease shall be at an end from the date when the premises become incapable of being occupied.
6. Where the landlord seriously breaches the lease, then the tenant is relieved of all obligations under that lease.
7. If the tenant breaches the lease by abandoning the premises, the landlord shall make reasonable attempts to minimise his financial loss including the taking of reasonable steps to relet the premises.
8. That a tenant has the right to security of tenure through continuous occupation.
9. That when disputes arise between landlord and tenant, there should be a quick, cheap and accessible procedure for resolution of disputes.

In general, we believe there should be a statutory lease on a much more equitable basis than the present standard lease produced for estate agents by estate agents; we believe tenants should have security of tenure in their homes; and we believe landlord should not have the right to charge what the market will bear in rentals - many people are being forced out of their homes simply because they cannot afford excessive rentals. Our efforts in criticising the report of the Landlord-Tenant Act Reform Committee and participating in ongoing discussion on the report have been aimed at achieving these goals. Regardless of the outcome of that committee, we will continue to struggle for these goals.

THE TENANTS' UNION: WHICH WAY

At present we are re-examining some of our priorities to ensure that we are still pushing towards our long-term goals. We feel that such re-evaluation is always necessary.

On the whole, the work of the Tenants' Union tends to fall into two broad areas - delivery of a service, and social and political activism, in terms of the first, we have set up a wide-ranging tenancy advice network, which is offering assistance every week to large numbers of tenants. Because of the demand for it, our resources are stretched very thinly, and we need to explore ways of making them more effective. One such way would be to make more use of existing community agencies, and perhaps offer to provide workshops for their staff, so they can undertake informed tenancy advice as part of their normal everyday duties. Needless to say, tenancy and housing problems are already a large part of the face-to-face work such agencies are undertaking. And, of course, we still desperately need volunteers to carry on with the Hotline and to carry on with the work they undertake outside normal business hours. In addition, we are anxious to provide the Hotline service throughout the morning as well as afternoon and evening, as we already know from our experience in the office that there is a great need for this.

We also feel we should be looking more into the second of the above areas. This has not been overlooked - we have been, for example, very active in campaigning for changes to the Landlord-Tenant Act Reform Committee Report, about which we are still concerned. Yet we feel that we should be initiating more action on tenancy and housing issues, and identifying with the struggles that groups of tenants are increasingly facing. At the moment we are discussing the idea of setting up a branch structure, with members from specific areas meeting regularly, identifying issues, thinking them through, and acting on them, with T.U. headquarters providing back-up and resourcing.

These are only suggestions. In particular we would be glad of feedback from members. What do you want the Union to be? We feel the Union has exciting possibilities, and, more to the point, that tenants need an organisation like the Union. We'd be glad if you got in touch with us to chew the fat over this, because the more participation we get, the more representative the Union will be - and the better will be its services.

AMENDED LEASE FORMS

Without fanfare or warning of any kind, the Real Estate Institute introduced an amended lease form late last year. The imprint on the REI lease (at the foot of page one) now reads: "1977 Copyright of the Real Estate Institute of N.S.W.. (Amended edition - June, 1980)."

On the whole, the changes are relatively minor, but there are some that seriously affect the privacy and rights of tenants. The REI did not respond to a request from the Tenants' Union for discussion of these changes, saying that the amendments "were determined for reasons of practicality in some respects as well as to conform with certain provisions of law."

The T.U. has written to the Minister for Consumer Affairs protesting at some of the changes, and at the way they were introduced.

Among other things, the changes include:

1. Omission of the statement that the lease shall not normally be less than three months.
2. Rewording of the holding-over clause to read "If the landlord permits the tenant to continue in occupation of the premises after the expiration of the term...."
3. Burying of part of the security deposit clause among legal jargon on the back page, so that unwary tenants may not know the maximum bond permissible.
4. Omission of any indication that receipts are required for payment of the bond.
5. Addition of wording prohibiting the changing of locks or the fixing of posters, without the landlord's written permission.
6. Loosening of the requirements for inspection of premises at beginning and end of tenancy - the REI has failed even to mention its own "Inspection Record Form."
7. Retention of the misleading phrasing, "the landlord shall have the right to re-enter the premises peacefully" - a legal phrase meaning to take possession of the premises. The landlord does not have this right, without going through the appropriate legal procedures and obtaining a court order. There is no suggestion in the lease that lock-out is now illegal.
8. The lease requires tenants who are leaving the premises to notify the landlord/agent of their forwarding address.
9. The definition of "premises" has been changed to exclude furniture, furnishings and services from the description of what is to be covered by the term "premises", thus restricting even further the landlord's obligation to undertake repairs.

10. The schedule of services, appliances and fittings included in the lease has been altogether omitted.

Some of these changes serve to mask the rights of tenants under current legislation, and to blur the responsibilities of landlords. Some of them clearly represent an invasion of tenants' rights, for example that of privacy, through the forbidding of changes of locks. The REI's comment on this is that "it was considered necessary to make specific reference to locks and posters so as to obviate any misunderstandings concerning these potentially troublesome matters." Well, that's one way of putting it.

We suggest you obtain a copy of the amended lease from your newsagent, and compare it with the old 1977 lease. If you feel as we do, we suggest you protest to the Real Estate Institute of N.S.W., P.O. Box A624, Sydney South, N.S.W. 2000, and to the Minister for Consumer Affairs, the Hon. Mr. S. Einfeld, Parliament House, Sydney, 2000.

We have prepared a detailed critique of the amendments, drawing out what we feel to be their implications. If you wish to have a copy of this critique, get in touch with us.

TENANT ACTIONS

With the steep rent increases, reduced housing and more frequent evictions, tenant militancy is increasing. Actions the Tenants' Union has supported in recent weeks have included:

1. A group of squatters in Surry Street, Darlinghurst, were thrown out on the street virtually without notice, and with strong arm tactics. This is despite the fact that they had been promised leases and that two of them, in fact were given leases. It seems that the finance company had bucked while the premises were being sold, and insisted on vacant possession - despite the squatters having been given the OK by the owners and the agents. To highlight the problems tenants are facing, the group squatted in a tent outside the premises for a fortnight - despite heavy rain throughout the period. The Tenants' Union helped them by giving them the use of our facilities, helping in the drafting of press releases, talking to the press, and giving them support.
2. Two of the tenants in the long-running Chippendale Estate story were taken to court at Newtown for eviction proceedings. This struggle has been going on for well over 12 months, with long-standing tenants being thrown out because the housing was sold by the agents to a dummy company with interlocking directorships. The tenants weren't even given the option to purchase, although one offered a sum that was in fact higher than one that was accepted. Although the two tenants concerned in the eviction proceedings were offered three months to get out, they decided to make the owner take court action even though they knew the court was likely to give them only a month. In the upshot, their barrister obtained an adjournment on a legal technicality, and the earliest date that could be set for the hearing was four and a half months' hence! To dramatise the issue, and to give the tenants moral support, a picket-line was mounted outside the courtroom. At one stage the owner came charging through, looking sour, and one landlord argued with people on the picket-line. The Tenants' Union participated in this picket, together with people from South Sydney Community Aid, as well as other agencies.
3. For five years the Ningana migrant hostel at Annandale has stood empty while local groups have pressed for it to be used for low-cost housing, even on a temporary basis. Because the building was jointly owned by the State and Federal Governments, there was plenty of duck-shoving between government departments, while the building rotted uselessly. Finally an agreement was reached, but the State Government then insisted that extensive renovations had to be undertaken before the building could be used. And that's how it stood for many months. Finally, out of sheer frustration, the Ningana working Committee finally decided to move in, with or without government approval. In a well-planned action, they did that over one weekend, with the result that Ningana is now operating as low-cost housing. As soon as the occupation took place, the Tenants' Union issued a press release supporting the move.



Two of the squatters in the Ningana migrant hostel, Mr John McMahon (left) and Mr Greg Thompson, show the neatly made beds that have not been slept in for five years.

174 beds still empty, so the squatters move in

By MICHAEL LAURENCE

It's a little eerie. The 174 neatly made beds in the Ningana migrant hostel in Annandale have not been slept in for five years.

Each bed has starched white sheets, two blankets and a near-new cover.

Five years ago, the building was closed because of a drop in migrant numbers and remained empty until last weekend, when 20 squatters moved in.

The Ningana Housing Co-operative says it decided to occupy the building because it had become frustrated by 2½ years of bureaucratic delays in its efforts to have the building opened for low-cost housing.

The 10-year-old, three-storey, red-brick building in Annandale Street looks like a small hotel.

Its 58 suites have three beds, built-in wardrobes, bathroom with shower and lavatory, sink, heater and refrigerator.

Beneath a layer of dust the rooms appear in good condition. The linen cupboards are full of blankets and sheets.

The co-operative says the bureaucratic delays began soon after the last migrant left.

It says the owners of Ningana, the State and Federal Governments, were reluctant to do anything with it because under their ownership agreement the government occupying the building would have to buy the other out. Neither was willing to pay the \$500,000 or so.

Submissions by the group to use the building for social work or accommodation were unsuccessful and Ningana was put on the market.

But protests succeeded and the Premier, Mr Wran, stepped in and stopped the sale. The State Government agreed that the building should be used for low-cost accommodation and agreed



The three-storey building has 58 three-bed rooms.

to buy it. It has made one payment.

That was in 1979, and the group claims it has experienced obstacle after obstacle since then.

It says the State Government first agreed that minor renovations would have to be done. Plans were drawn up and the group waited . . . and waited. Nothing happened.

The Government then told the co-operative that the rent would be \$13,000 a year.

But the co-operative says this would be an unfair burden on occupants. It would force their rent above that of the Housing Commission.

The co-operative, which has limited occupancy of Ningana to 20 for the time being, has already turned people away. There are six on the waiting list.

Although the hostel could accommodate 174 people if all beds were occupied, the co-operative says 60 to 80 would be a more reasonable number.

"The need for low-cost housing

in the inner city is too critical to allow this building to remain empty," said a member of the co-operative, Mr Peter Braine.

The squatters include two women who have been told by the courts that they cannot have custody of their children until they have a permanent home.

A spokesman for the Minister for Housing and Co-operative Societies, Mr Sheahan, said yesterday that the minister had appealed for the squatters to leave Ningana.

He said they were in danger because some safety renovations had not been done.

"They are not doing their case any good by staying there," he said.

Mr Sheahan was willing to meet the co-operative if it left Ningana.

The minister had agreed that the building was to be used for emergency accommodation, but no decision had been made that the Ningana Housing Co-operative would be the occupant.

8

A recent telephone conversation with a Coogee real estate agent, when we rang on behalf of a tenant to get some repairs done:

US: "I'm ringing on behalf of mr. of He's been trying for some time to get some repairs done to his roof, as the rain is pouring in and damaging his new bedroom suite. My name is and I represent the Tenants' Union of N.S.W."

HIM: "What was that? Who did you say you represent?"

US: "The Tenants' Union of N.S.W."

HIM: "Oh. I don't believe in tenants' organisations. Tenants are bums."

US: "Well, whether you believe in us or not, we're not about to go away. Now, about these repairs....."

HIM: "Ahhh, who do you think you are? I'll bet you're one of these socialistic labor voters....."

US: "That has nothing to do with it, and I don't intend to put up with any abuse....."

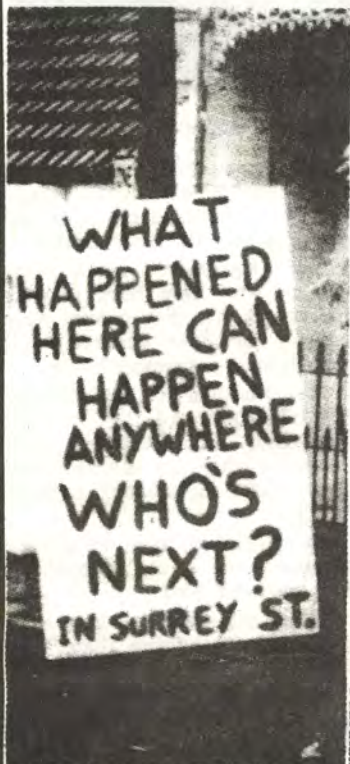
HIM: "Ahhh, look, if you push me I'll give you more legal trouble than you know exists....."

US: "Look, I have no intention of responding to threats. The tenant tells me he has repeatedly asked you to do repairs to his roof, and you just haven't done them. It's raining, and his property is being damaged. I'm simply asking when you intend to carry out those repairs."

HIM: "I've spoken to the repair man, but he won't go up while it's raining. It's not worth the risk. When it stops raining, he'll fix the roof."

It's been raining most of the time since.

Protests over violent evictions



Evicted squatters protest in Surrey Street.

SYDNEY—Protests are growing over the violent eviction of squatters from two homes in Surrey Street, Darlinghurst on February 14.

The evictions began after an unidentified man claiming to be the owner gave the residents 40 minutes to leave. He returned with another unidentified man, and backed up by two police squad cars and two paddy waggons, began to throw the people and their belongings onto the street.

A legal representative of the squatters was later manhandled and taken away in a police car. Serious threats were made against him while in police custody.

Supported by neighbors, the residents are now living in a tent on the footpath, and have been picketting the offices of Laing and Simmons, the estate agents responsible for the properties.

A press release explains that the squatters "lived in these houses for a number of months; but we all had this in common—we were out of work or we were pensioners, or we simply didn't have enough money to afford the rents being charged in this area.

"The places we moved into were derelict. . . . We have looked after the housing. We have painted it and done repairs."

They also believed the estate agents were in the process of giving them leases, allowing them to be protected by law in the same way as lodgers or boarders.

Anger at police involvement in the evictions has prompted calls for investigation of unlawful arrest by police.

As the protest continues the houses are occupied by MSS security guards and people seen to be practising karate.