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tenant news

TENANTS UNION OF NSW
CO-OP LTD
8 Mettling Rd
Hill's Point 2205
Tel: (02) 27-3813

N.S.W.

No. 2 JULY 1977

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Newsletter of the Tenants' Union of N.S.W. Co-op. Ltd.,
118 Regent Street, Redfern, N.S.W., 2016
Tel: 699 4073, 699 2260 Wednesdays 5.30pm to 9pm

Recommendations of Private Tenants Groups at Shelter
National Conference on "Housing & the Community" held in Canberra
on 26th & 27th March 1977

1. That a national federation of Tenant Unions be established.
The principles on which this federation should act and be
and be based:-

(a) A rental housing market based primarily on profits, rather than the social and housing needs of people is immoral and both causes and perpetuates the present housing inequities and the exploitation of tenants.

(b) Tentants Unions must work for fundamental change in the balance between landlords and tenants and for a re-definition of their respective roles which aims to put the parties on genuinely equal terms.

(c) There is an immediate need to promote comprehensive national rental housing policies and collective action by tenants throughout Australia.

(d) Tenancy is a legitimate form of housing in its own right, not merely temporary expedient on the way to home ownership.

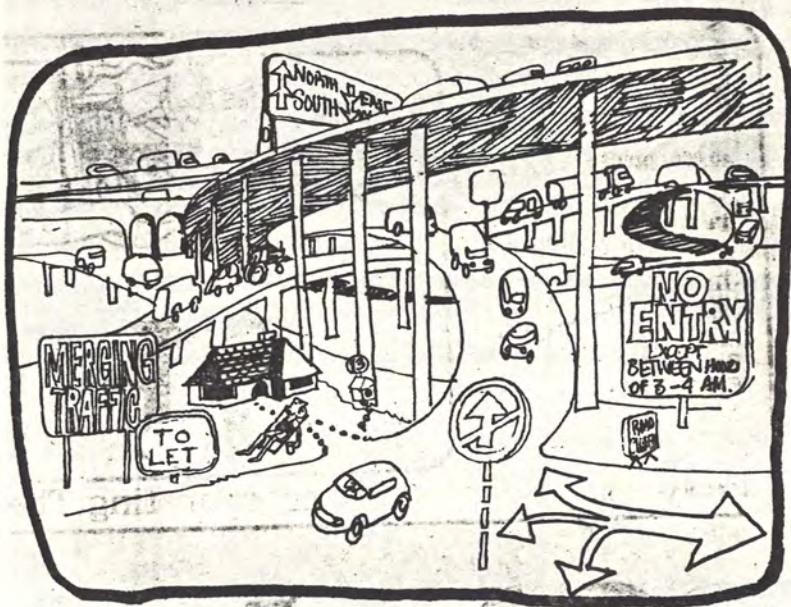
2. The national federation of Tenant Unions commits itself now to the following specific tasks:-

(a) To develop, promote and act upon a national bill of rights for tenants including a model lease.

(b) To work towards the following specific rental housing policy initiatives:-

i. an immediate end to all forms of tax descrimination against tenants.

- ii. the development of cost-rent and co-operative housing associations and other forms of housing which give tenants equity, choice and participation in their housing.
- iii. to produce national guidelines to assist the growth of Tenant Unions and information on Tenant Advice Services, action strategies for tenants and support for other housing groups.
- iv. to seek links with trade union, housing consumer and other action bodies.
- v. to publish "Tenant News Australia" on a co-operative basis between the Tenant Unions and establish other avenues of regular communications and exchange of information between Tenant Unions.
- vi. to investigate and take action on the situation of lodgers and single room occupants on a national basis. The federation considered that this situation amounted to national scandal.



TENANTS



let's change the laws

TENANT NEWS welcomes contributions from members of the Tenants' Union - accounts of personal tenancy problems, comments on proposed legislation and general items of interest to tenants.

In this issue we publish recommendations from SHELTER National Conference for a National Federation of Tenants Groups. Also included are the resolutions from the Public Meeting held on 20 March 1977 and the Tenants' Union's press releases on the recent State Government Bond Fund legislation. Members comments on all these matters are welcomed. At present our Management and Policy committee is drafting a proposed new Landlord-Tenant policy for N.S.W. and your opinions on necessary changes in the law are needed. We have introduced a regular feature "Classic Cases" in this newsletter. So how about some contributions from the current Tenants' Advice Services.

This newsletter is the work of Charlie Begg, John Butcher, Simon Clough, Trish McDonnell, Robert Mowbray and Wayne Sonter. Volunteers to produce the next issue are welcomed. Contact your editor at 118 Regent Street, Redfern, 2016 phone 699 4073.

We have found out the hard way just how inadequate present laws are.

We moved into our house by paying four weeks rent that the previous tenant owed. This was done with the knowledge and agreement of the real estate agents. However, after about six weeks residence, we were presented with a lease to sign, plus a rent rise of six dollars.

As the rent was rising we asked for certain repairs - the back sleep-out's floor was collapsing, the laundry was unusable, the front doors were split and their frames came loose from the wall, and the roofs were leaking.

At first we were told to like it or lump it, but finally the real estate agent agreed to get done what was possible.

For the period of our lease we pressed for these repairs without results until the final week of the lease, when a repairman carried out minor repairs to the front door - he nailed the frame to the wall.

We said this was not enough (by this time the toilet cistern had broken down and we flushed the toilet with a bucket of water) and wanted some definite arrangements for repairs to be done.

We were told it was impossible as the owner of the house did not wish to spend any money on repairs. We told the real estate agent that in this case we were not paying rent because the house was not fit for habitation.

We asked that the owner come and see the house for herself if she did not believe the validity of the claims. We were ignored. We were issued with a notice to quit, and finally a summons for eviction.

And here the inequity of the present laws was demonstrated. The landlord had to give no reasons for eviction. The issue of repairs was totally irrelevant to the court proceedings. All the landlord had to do was show the legal formalities of issuing a summons had been complied with, and that was it.

The court in its mercy has given us till June 30 to get out of the house, and told us to thank the landlord for not pressing court costs on us.

The landlord-tenant laws are not only inequitable, they actively contribute to the decay of inner city housing.

FALSE NEWSPAPER REPORTS

The Real Estate Institute of N.S.W. has released its 1977 copyright residential lease. It is a vast improvement on their previous forms of residential leases and was referred to in the first issue of Tenants' Union News. Some newspaper reports claim that it had the approval of the Tenants' Union. This is totally false, as it still contains a number of very objectional clauses such as the infamous 'lock-out'.



PUBLIC MEETING OF TENANTS' UNION HELD
ON 20 MARCH, 1977

-5-

A lively public meeting organised by the Tenant's Union of NSW was held on Sunday 20 March, 1977 at Pilgrim Hall, 264 Pitt Street on the theme 'A Fair Go For Tenants'.

The meeting was addressed by Mr. Syd Einfeld, Minister for Consumer Affairs & Co-operative Societies, Professor Ron Sackville, Professor of Law at University of NSW and Mr. Robert Mowbray, Secretary of the Tentants' Union of NSW.

Mr. Einfeld outlined changes he has brought into landlord-tenant legislation and further reforms which he proposes to introduce.

Professor Sackville, who was the Commissioner for Law and Poverty with the Poverty Inquiry, welcomed the formation of tenants' organisations. He said that reforms are best brought about by pressure from people most affected.

He pointed to areas where current law is gravely deficient. He suggested reforms in many areas including bonds and housing repairs and called for mechanisms to ensure compliance with the law.

Professor Sackville instanced Ontario Canada as an area where tenants' rights have been acknowledged.

Mr. Mowbray called for total rewriting of landlord-tenant legislation. He proposed that tenants should have representation on the Council for Auctioneers and Agents, the policing body of Real Estate Agents.

Mr. Patrick Healey, Chairperson of the meeting said that the motions from the meeting supported the use of interest revenue from bond funds for the general benefit of tenants rather than paying interest directly to individual tenants. The meeting called for funding of local tenants' advice services in addition to a government service, financing of rental housing for low income earners and more humane eviction procedures.

NSW Labor Premier Wran has shocked Labor circles by refusing a \$50,000 grant to the Tenant's Union — a voluntary body set up to help protect tenants — for the establishment of Tenant's Advice Bureaus in NSW.

Mr Wran incredibly rejected the Tenant's Union appeal despite the fact that the Henderson Poverty Commission declared that tenant's advisory services were "essential" especially in poorer inner-city areas.

Mr Wran's refusal to help poor tenants obtain advice on their problems also follows closely on the Vinson Report on poverty in inner suburbs, which described inner Sydney suburbs as "misery suburbs".

Over half the residents in areas designated by Professor Vinson as being in urgent need of "social aid" are tenants.

Mr Mowbray said "we accept referrals from government agencies and we have produced booklets on tenant's rights and run workshops for government departments.

"Yet Mr Wran refuses to give us any financial help to continue or to expand our advisory services".

In its submission, lodged with the Premier last May, the Tenants' Union sought \$50,000 to cover the cost of two full time staff two part time staff and a secretary for the whole of N.S.W.

The submission said the Tenant's Union needed financial support to establish a network of Tenants' Advice Services across NSW through local tenants' groups, Community Aid Bureau and country Regional Councils for Social Development, working together with government agencies.

Tenants' could approach these services for information and advice on all aspects of renting, and where necessary workers would follow up particular grievances.

Mr Mowbray added that his groups felt such a service would be cheaper to operate and more accessible to the public if run by community groups.



"Poverty persists because governments continue to deny poor people access to resources" Mr Mowbray said.

"The Tenants' Union sought funds in order to provide people with information on their rights as tenants.

"This is the first step to get them to improve their situation.

"It is a sad reflection on our Labor Government's priorities when it can pour millions of dollars into buying Kembla Grange Race Course, and developing tourists' spots, such as Jenolan Caves, yet it flatly refuses any financial help in an area of such critical need, and of traditional Labor Party concern."

PROBLEMS

Secretary of the Tenant's Union Mr Robert Mowbray a social worker, said this week: "The first step in coming to grips with these problems of poverty is to improve the housing situation of residents.

"Without good housing little else can be achieved.

"Many tenants are constantly exploited by their landlords".

Mr Mowbray said that voluntary groups associated with the Tenant's Union regularly assisted tenants being given a raw deal by their landlord or real estate agent.

29/12/76

DEAR LANDLADY, WHAT ABOUT A RENT REDUCTION!

Dear Landlady,

Two years ago my wife and myself were delighted to have the opportunity to rent the newly renovated top flat facing the water.

The flat had just been done up and looked new, clean and sparkling and we agreed to pay \$56 per week.

Over the ensuing two years we realised that the building was showing its age. One by one the windows started to rattle and had to be chocked with cardboard to keep them from shaking themselves to pieces .

The water pipes have further silted or rusted up to the point where a tap turned on next door can cut our shower off altogether causing us to freeze while at the same time being in imminent danger of being scalded by the sudden restoration of hot water before our set cold mix is restored.

It did seem to us that this was a hazard, which, if it could not be rectified, should be offset by a reduction, in our weekly rent.

As we were composing ourselves to raise this with you some months ago we were astonished - in the circumstances - to receive from your agent, a note, dated 12/4/77, informing us that as from 22/4/77 our rent was to be increased from \$56 to \$60 per week. Our understanding is that this would be a matter for negotiation.

Although no negotiations have taken place or agreement reached as to the future rental level, the receipts issued to us by the office of Burgess suggest that we are in arrears by an occurring amount of \$4 a week since 22/4/77. This we do not accept.

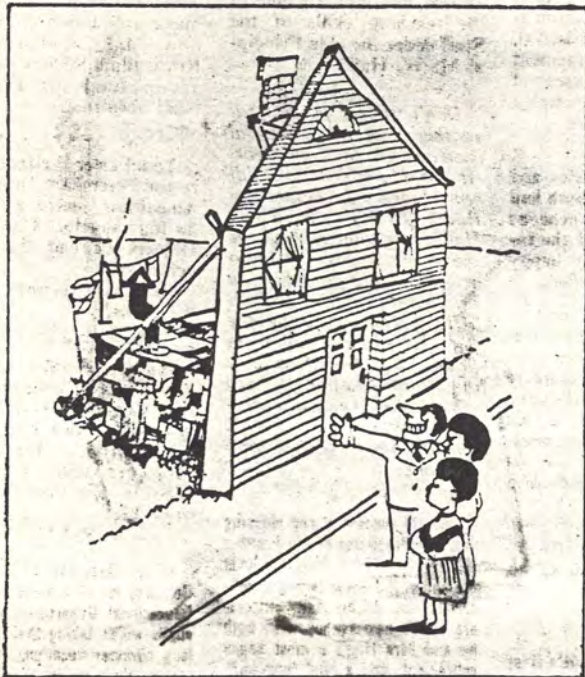
We have not been and are not unwilling to discuss the rental level but it seems to us that any such discussions must take into account the service provided .

If the service - uninterrupted hot water - available 2 years ago - cannot be assured today then it seems to us that the question of a reduced rental level must be up for discussion.

If, on the other hand, the service is to be improved then an increased level such as has been proposed must be up for discussion.

Pending advice as to what action is proposed to be taken to restore an uninterrupted water supply we will continue to pay the rental level as agreed i.e. \$56 per week.

H.C. Begg



CHANGE OF ADDRESS -

DEPARTMENT OF CONSUMER AFFAIRS
including
Consumer Claims Tribunal
Rent Control Office
Fair Rents Board

is now located at No. 1 Oxford St.
DARLINGHURST

P.O. Box 468

Darlinghurst N.S.W. 2010

Telephone 238 8111

KNOW YOUR BOARD OF DIRECTORS

Following the Annual General Meeting in March 1977 the following people became the Board:

Charlie Begg	Clerk
Helen Campbell	Teacher
Simon Clough	Unemployed
Pat Healy	Engineer
Trish McDonnell	Secretary
Beth Mitchell	Social Welfare Worker
Robert Mowbray	Social Welfare Worker
Ray Raucher	Taxi Driver
Alan Stevenson	Painter and Docker
Vince Henneberry (alternate)	Pensioner
Michael Milston (alternate)	Community Worker
Bob Morrell (alternate)	Pensioner

JOIN ONE OF OUR COMMITTEES

Also elected were -

Treasurer - Kate Holland, Lecturer
Editor of Newsletter - John Butcher, Cleaner
Membership Secretary - Trish McDonnell

At the Board Meeting in April 1977 Robert Mowbray was appointed Secretary for 1977.

The BOARD meets between 6pm and 7.30pm every third TUESDAY of each month in the offices of the Australian Council of Social Service on the First Floor of 190 Cumberland Street, SYDNEY.

MEMBERS are encouraged to attend and participate in discussions.

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Contact
our
Secretary
at
699-4073

The State Government is to take control of \$30 million in tenants' bond money.

The money will be paid into terminating building societies for the erection of project homes, several thousand dollars cheaper than the market price.

The \$3 million interest on the \$30 million funds will establish a tenants' advisory board to give a free service to the public and pay administrative costs.

The Minister for Consumer Affairs, Mr Einfeld, said yesterday Cabinet had approved the scheme.

It would begin to operate after Easter and would be at full capacity by the start of the financial year in July.

Mr Einfeld said: "This is another boost for the hopes of young couples and home-seekers in the lower wage brackets.

"It will also give the building industry a shot in the arm, and provide some jobs."

He said the scheme was also designed to prevent rip-offs by unscrupulous landlords and agents.

A large amount of money was involved and the feeling was it should be under Government control.

He said that hundreds of tenants had been unfairly refused return of all or part of their bond.

Others had trouble getting their bond money back even when they left the vacated premises in excellent condition.

He said the first official tenants' advisory board would replace the "amateur" advice centres which had been trying to help tenants in trouble despite the cost burden.



25/2/77

The Tenants' Union campaigned over many months for the establishment of such a fund with the interest financing a number of programmes directed at tenants and particularly those most in need.

First home buyers will benefit from this scheme, and low income tenants who receive the roughest deal from landlords and Real Estate Agents are denied access to a loan scheme to help them get over the hurdle of finding reasonable accommodation where initial costs today exceed \$300. There will be no new initiatives in the housing market such as cost-rent housing co-operatives and funding of emergency accommodation.

The Tenants' Union believes that a Labor Government should unequivocally support the principle of consumer participation in decision-making processes. The composition of the Rental Bond Board gave the Government an opportunity to display its sincerity with this principle. However, this is what Mr Einfeld had to say nine days after addressing a Public Meeting organised by the Tenants' Union: "I believe the consumer should be represented. But ... there is no organisation in N.S.W. representing tenants. What we have done is propose three of the top public servants ...and a person experienced in real estate."!!

HOW THE BOND FUND LEGISLATION WILL EFFECT YOU!

1. What is the name of this new piece of legislation?

It is called the Landlord and Tenant (Rental Bonds) Act 1977. It won't be enforced until sometime later this year when sections of the Act will be proclaimed and regulations gazetted.

2. What are the objects of this Act?

It sets up a Rental Bond Board, requires landlords of residential premises to deposit Bond Money with the Board, provides for the return of Bond Money and allows for the investment of Bond Money and the investment and expenditure of interest on Bond Money.

3. What happens to Bond Money which I have already lodged with my landlord or Real Estate Agent?

You landlord or Real Estate Agent will be required to deposit it with the Board within one month of this Act being enforced.

4. What happens to Bond Money which I lodge with a landlord or Real Estate Agent after this Act is enforced?

Your landlord or Real Estate Agent will be required to deposit it with the Board within seven days of your paying it.

5. Is there a limit on the amount of Bond Money a landlord or Real Estate Agent can ask for?

Yes, it cannot exceed 4 weeks' rent in the case of an unfurnished house or flat, or 6 weeks' rent in the case of a furnished house or flat.

6. Should the landlord or Real Estate Agent give me a receipt when I pay Bond Money?

Yes, it will be against the law not to .

7. Is the tenant ²required to pay rent in advance?

A tenant may agree to pay rent in advance at any time.

However, a landlord or Real Estate Agent may not demand rent in advance until rent payments fall due again.

8. What should a tenant do in order to recover his or her Bond Money after leaving the house or flat?

A tenant recovers his or her Bond Money by -

- . a joint application by the landlord and the tenant to the Board requesting it to return the Bond Money to the tenant.
- . the landlord may apply and direct the Board to return the Bond Money to the tenant.
- . the tenant may apply to the Board for the return of Bond Money. However the Board must give the landlord notice in writing of this application. If the landlord does not inform the Board he or she wishes to dispute the claim in a court or a Consumer Claims Tribunal within 10 days of the serving or posting of the notice, then the Board will return the Bond Money to the tenant.

Similarly, the landlord may apply to the Board for his or her retention of the Bond Money. In this case the Board must give the tenant notice in writing of this application. If the tenant does not inform the Board that he or she wishes to dispute the claim in a court or Consumer Claims Tribunal within 10 days of the service or posting of the notice, then the Board will forward the Bond Money to the landlord.

If the matter is disputed and proceedings are commenced, then the Board will pay out the Bond Money in accordance with the order of the court or Consumer Claims Tribunal, subject to any appeals.

CLASSIC CASES - meet 'Big Ron'...

A young boy ran into the Tenants' Advice Service. A man had just served the boy's mother with a 'Notice to Quit'. It bore the name of a local Real Estate Agent. He said: "If you're not out this afternoon, I'll throw you out". The TAS advised the family of their rights and also warned the Agent of possible legal action. When the man returned he was told that the police would be called if he went ahead with his threat. He backed down aware that his intimidation had failed. He then produced a card. It stated: 'Big Ron ... No job too small - no job too big' !!!

HOUSING ALLOWANCE VOUCHER EXPERIMENT (H.A.V.E.)



Welfare programs should provide "warm and relevant" advice on how to become independent — not breed a "debilitating dependence" on the providers of social services, the Prime Minister, Mr Fraser, said yesterday.

The Government was trying out two experiments in social welfare.

Their first was HAVE — the housing allowance voucher experiment under which low-income earners were given cash rent subsidies to spend how they wished — on housing commission flats or private accommodation.

23/5/77

Resolution of Tenants' Union:

"The Tenants' Union cannot accept H.A.V.E. because it is a landlord's policy. It does not tackle the basic problems of security of tenure, repairs, rent increases, etc. In fact, it subsidises landlords to charge higher rents under the same unsatisfactory rental situation.

The Tenants' Union sent an Open Letter dated 1 March 1977 to Hon. Kevin Newman, Minister for Environment, Housing and Community Development expressing its grave concern about H.A.V.E.. Copies are available from the Secretary.

1976 CENSUS

SHOWS VACANT
HOUSES AND FLATS IN
ALARMING NUMBERS -
CITY OF SYDNEY AROUND 1/5
SOUTH SYDNEY AROUND 1/7
LEICHHARDT AROUND 1/8
THIS IS AT THE TIME OF A
SEVERE SHORTAGE IN HOUSES
AND FLATS AVAILABLE FOR
RENTING!



"It will be a car park for people who have to drive to work because there aren't any houses left to rent"

GETTING RICH QUICK

ROOMING HOUSES IN SLUM AREAS:

Renting big houses in rooms instead of as a single dwelling returns nearly three times as much in rents but is much trouble and generally slightly illegal. The type of tenant for a ten or fifteen dollar a week room is the lowest available on the market and the local council may make a nuisance of itself if the house cannot be registered. However, it is not a bad way to start off in Real Estate dealing as you receive a large weekly cash return on the capital invested when it is needed most.

The idea is to find a large, probably timber, house in a low class area with at least four bedrooms, lounge, dining room and kitchen. You then have seven rooms to let with a maximum return of \$105 per week instead of \$45 as a house.

Extract from "The Australian Property Investor" February 1977
Published by Ian Huntley, 55 Rembrandt Drive, Middle Cove.

A representative of the Tenants' Union Mr Simon Clough, said

"There certainly are speculators involved in this activity and the current economic conditions is driving tenants into their unscrupulous hands"



The Tenants' Union
received copies of the
offending article and
distributed them to
Mr. Huntley's neighbours.
(with T.V. coverage)

Think small and cheap when buying all fittings and furniture, your prospective tenants do not appreciate anything of quality.

The landlord in dealing with such tenants has to be tougher than they are. There will be inter-tenant fights, accusations of theft and rape. Men beating up women (and vice versa) and unfortunately children or animals being ill treated and neglected. Any problems between adults and landlord sort out by ignoring them, as they deserve what they get and it does not matter anyway. Serious abuse with children or animals are turned in to the police (anonymously as far as the tenants know).

It may be necessary to carry a weapon occasionally in full view, always in a back pocket to break up a beating or protect yourself. When drunk a tenant may not bother to use the toilet, a corner

of his room is more convenient, together with food scraps and other rubbish. Inspect all rooms at least once a week and order the tenants to clean it up, and if required, him or herself as well, while you are there. Listen to no argument or excuse.

To collect rent from a slow payer go into the room and pull them out of bed if necessary, throw in the street a non payer. It is a dirty and unpleasant business at best but is profitable both running and selling them on a return basis. It is possible to run a dozen houses, with two days and two nights a week. They can be sold three to five thousand dollars above the market price of a house and show 20% return to the buyer. Get out of it completely when you sell, do not hold a second mortgage or delayed payment as ten out of twelve go broke as they cannot control the tenants.

The Minister responds:

"I have now received an advice from Mr. Walker which suggests that there is no avenue by which action can be taken against the publisher or the writer of this article. Nonetheless the Attorney General wholly agrees that the nature of this article is totally reprehensible. I intend to write to the publisher within the next few days to express my dissatisfaction."

SYDNEY D. EINFELD

Minister for Consumer Affairs and
Minister for Co-operative Societies.

REE TENANTS' ADVICE SERVICES

BALMAIN

Balmain-Rozelle Tenants' Group,
274 Darling Street,
Balmain, 2041
phone 82 0617
THURSDAY 5.30pm - 8.30 pm

NORTH SYDNEY

Labor Supporters Group
47 Mount Street,
North Sydney, 2060
phone 922 4090
THURSDAY 6pm - 9pm
SATURDAY 9am - noon

BONDI BEACH

Bondi-Waverley Tenants'
Association,
"Chapel by the Sea"
95 Roscoe Street,
Bondi Beach, 2026
phone 30 3445, 30 6449
THURSDAY 2pm - 8pm

REDFERN

Tenants' Rights Project of
South Sydney Community Aid
Co-op. Ltd.,
118 Regent Street,
Redfern, 2016
WEDNESDAY 5.30pm - 9pm

LIDCOMBE,

Housing Association for
Low Income Families,
40 John Street,
Lidcombe, 2141
phone 649 3795
MONDAY - FRIDAY 9am - 5pm

REVESBY

Revesby Housing Commission
Tenants' Co-operative,
85 River Road,
Revesby, 2212
phone 77 7960
MONDAY - FRIDAY 1pm - 5.30pm

GENERAL MEETING OF MEMBERS
FOR AUGUST

at 7.30 pm

This will be held on Tuesday 16th August, 1977 at St. Luke's
Community Centre, 118 Regent St. Redfern. It provides an opportunity
for members to informally discuss the activities of the Tenants
Union and to raise matters of general interest to tenants.

MEMBERS AND INTERESTED PEOPLE ARE INVITED TO ATTEND.