

T E N A N T NEWS

NSW SEPTEMBER 1987 No. 31



*Tenants' Union of
NSW
1986-87
Annual Report*

TENANT NEWS

September, 1987.

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The Tenants Union of New South Wales represents tenants against unfair treatment by property owners and real estate agents.

We help tenants to work together for decent, affordable and secure housing by:

- *Resourcing tenants advice services
- *Lobbying Governments on tenancy issues
- *Publicising tenants' problems and rights

We believe that good quality housing is a basic human right...This means security of tenure, houses in good repair and protection against excessive rents for all.

Solidarity in numbers is the only way that our rights can be fought for and won.

Join the Tenants' Union and help fight for tenants' rights in NSW.



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Editorial Committee: Meredith Foley, Tracy Goulding and Margaret Cobb.

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THE TENANTS' UNION OF NSW ANNUAL REPORT April, '86 - April, '87

INTRODUCTION

1986-87 was a big year for the tenants and the Tenants' Union of NSW:

* After ten years of promises and procrastination the State Government at last moved to introduce tenancy law reform in NSW. Though the final legislation is seriously undermined by major inadequacies, especially in relation to security of tenure, it is hopefully the first step towards a fair deal for tenants in this state. Obviously, we will need to keep up the fight, particularly if we are to resist the moves of the property lobby which is still campaigning against even this piecemeal reform.

* The Tenants' Union received funding under the Housing Information and Tenancy Services Programme (HITS) to develop and resource a network of funded tenancy advice services across the state. The establishment of these services means that tenants will now have access to advice in their local areas which is essential if we are to keep up the fight for our rights. Rents in NSW may be through the roof and the law still heavily weighted against us but at least there is somewhere to go for advice and an opportunity for tenants to organise on a local basis.

Funding under the HITS Programme has of course meant major changes for the TU. To deal with the task of developing and resourcing the network we now have a permanent staff of six, in addition to the Grant - in - Aid Migrant Resource Worker ,

temporary campaign and training workers and a part-time typist. Obviously, a far cry from the days not so long ago when we relied on only one full time worker. Such rapid growth and significantly expanded workload has not all been easy for the TU but the result is a much stronger organisation, better able to represent the rights of tenants in this state.

* Finally, in the last twelve months we have seen a further decline in the private rental market and a situation of sky-rocketing rents in NSW. This has not only meant increased hardship for tenants but has also given the property lobby the opportunity to push for the reintroduction of inequitable subsidies to landlords as the answer to the supposed housing crisis. Clearly, the solution lies not in tax rorts for landlords but in more public housing and legislation which gives tenants secure, affordable and decent housing - and the only way to convince the Government of this is to show that the tenants of NSW (25% of the electorate) will not stand for anything less. In order to achieve this we need more than ever a strong, representative Union of Tenants. For this reason a TU Membership Drive is a top priority for the coming year.

All these points are covered in more detail in the following report. Substantial sections of the report were written by TU workers, but responsibility for compiling the report as a whole was taken by our Secretary, Paul Wright. ■



Tenancy Advice and Housing Referral Services (TAHRS)

During 1986, T.U. staff were involved in the initial establishment and ongoing resourcing of eleven Tenancy Advice and Housing Referral Services. These services are:

Inner Sydney TAHRS (STARS)
214 Cleveland St,
CHIPPENDALE, NSW, 2008.
Ph. 698-3119.

Inner West TAHRS (TRAC)
Hut 42, Addison Rd. Community Centre,
Addison Rd,
MARRICKVILLE, NSW, 2204.
PH. 550-0938.

Eastern Suburbs TAHRS (ESTAHRS)
285 Anzac Parade,
KINGSFORD, NSW, .
Ph. 663-3980.

Northern Suburbs TAHRS (NTAHS)
3/21 Oakes Avenue,
DEE WHY, NSW, 2099.
Ph. 982-8088 / 982-7049.

**Parramatta, Auburn & Holroyd TAHRS
(PAHTAR)**
2/8 Mary St,
GRANVILLE, NSW, 2142.
Ph. 637-0528

Fairfield TAHRS (FAHRS)
43 Kenyon St.
FAIRFIELD, NSW, 2165.
Ph. 727-9667.

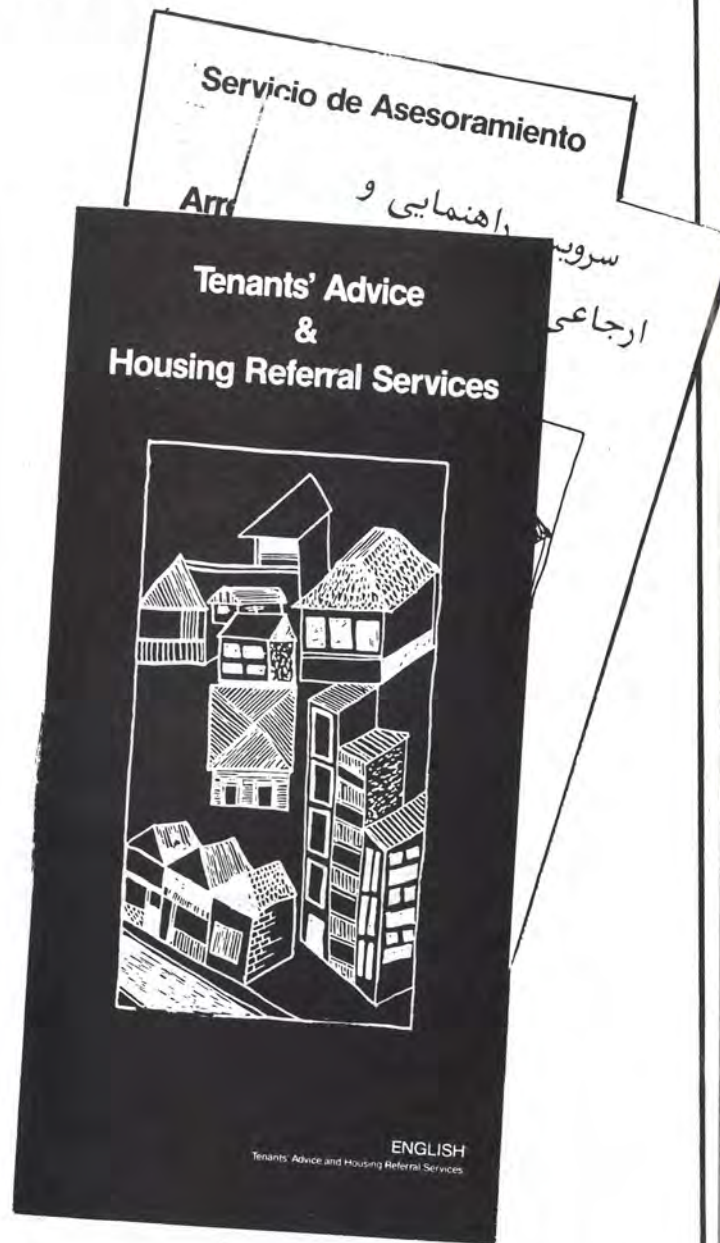
Newcastle TAHRS (HTAHS)
Rm 1, 61 Scott St.,
NEWCASTLE, NSW, 2300.
Ph. (049)26-4304/26-4240

Northern Rivers TAHRS (NRTAHS)
1st Floor, No 4 Club Lane,
LISMORE, NSW, 2408
Ph. (066) 21-2829 / 21-3976 & (066) 72-4660.

Illawarra TAHRS (TAHISI)
P.O. Box 21,
WOLLONGONG, NSW, 2500.
Ph. (042) 27-1166.

South Eastern TAHRS (SETAHS)
P.O.Box 862,
COOMA, NSW, 2630.
Ph. (0648) 22-173.

Riverina TAHRS (RTAHS).
1/506 Smollett St,
ALBURY, NSW, 2640.
Ph. (060) 41-1799.



In many areas the T.U. was able to build upon an already existing voluntary service. However, where this was not the case staff had to establish initial contacts before proceeding with any development work. This work has been by far the single largest area of work for staff during 1986.

The year ahead promises to be just as busy with ten new services approved by the Minister for funding. The areas these TAHRS will operate in are:

St. George/Sutherland
Canterbury/ Bankstown
Ryde/Epping
Gosford/Wyong
Mid North Coast
Armidale/Tamworth
Orange/Bathurst
Blue Mountains/Penrith

As a result of the T.U.'s successfully lobbying against services going to low tenant country areas there is an agreement that the two remaining services will be established in areas of high tenant stress within the metropolitan region.

TRAINING

At the beginning of 1986 the T.U. became involved in the Housing Information and Tenancy Services (HITS) Training Taskforce. This Taskforce consists of Shelter, HIRS, the Department of Housing and the Department of Consumer Affairs and was set up to address the training needs of workers funded through the HITS programme. The T.U. was involved in jointly organising a training programme for 1986.

The programme took place in two stages with Strand One aimed solely at informing new TAHRS workers about the structure and function of the various government departments they will be dealing with. Stage Two was aimed more broadly towards providing housing related workers with specific skills eg: basic tenancy, broader information etc.

Strand One was held in Sydney over two and a half days in mid-June 1986 and Strand Two was organised on a Regional basis in five locations including the non-metropolitan areas of Tamworth, Orange and Newcastle. The metropolitan workshops were held in the city and Parramatta.

The T.U. has continued to offer its basic tenancy advice training workshops on a bi-monthly basis throughout the year. The demand for these workshops has remained high and some seventy people have received training in this way in the last 12 months. Most participants work in organisations assisting people with tenancy and other problems.

Martin McEwin, the TU Training Officer, is currently developing a package, part of which is being integrated into current training and parts of which will be used later in the year.

Getting the entire network of eleven services off the ground represented an enormous task for all those involved. TAHRS workers were faced with the establishment and development of new services and the integration of those services into existing housing networks. Substantial commitment has been shown by these workers and acknowledgement should also be given to the contribution of tenants and workers who make up TAHRS Management Committees.

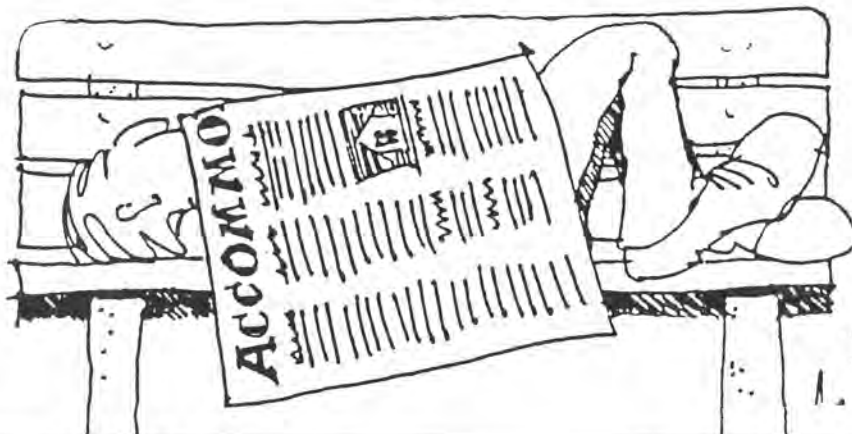
T.U. staff have put a lot of work into the initial setting up of and resourcing the TAHRS. This involved a complex range of issues for staff as resourcing a network of funded tenant services was a new area of responsibility for the TU. TAHRS workers have been dealing with substantially similar issues but from a different position in the field. With ten new TAHRS getting off the ground this year, it seems that realistically T.U. project workers will have less time to resource existing TAHRS.

The T.U. Board produced a restructuring proposal which aimed at giving the TAHRS more formal representation in the T.U. The TAHRS agreed to the proposal and the coming year will see a number of TAHRS representatives on the Board. The development of policy (eg: Aboriginal policy) which involves tenants in the process, streamlining of information-flow and decision-making from grass roots level through the organisation, and the facilitation of the T.U.'s membership drive are just three issues which could be considered by the TAHRS representatives. Generally a clearer understanding of the respective roles of the T.U., the TAHRS and the structures within will benefit everybody.

Overall, the establishment of the TAHRS has meant that there's a changed picture for tenants in NSW. Rents are through the roof and the law remains heavily weighted against us, but there is better advice available more readily since the TAHRS were set up. This is essential for tenants to be able to organise to fight back.

The TAHRS have become increasingly involved in the broader issues while at the same time maintaining service delivery at a high standard. Issues of long-term significance such as law reform have increasingly become incorporated into the perspective of workers who deal with the day-to-day problems of tenants.

Secure, affordable housing in good condition for all is a long way off yet but there is every reason to believe that the structures are in place whereby we as tenants can build and sustain our influence in the debate about housing issues for many years to come. At the moment we are struggling to make small gains while housing shortages continue, giving landlords enormous power in the market place. A strong tenants' organisation will be able to work towards making significant gains in the future. ■



Grusovin wants Cabinet to backpedal on tenant changes

BY JONATHAN CHANCELLOR, Property Reporter
 Minister for Consumer Affairs, will ask many

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 substantial reduction in rental capacity, thus exacerbating the Housing Department's waiting lists".

The draft legislation "does not introduce those reforms previously approved by Cabinet in which such and unjust rent

the document include the removal of a fine for landlords who enter the rented premises against the provisions of the Act, the abandonment of anti-discrimination clauses protecting tenants with children, and an increase in the amount of maximum forward rent allowed to be collected from two weeks to one month.

also proposes to modify provisions in the case of sale of premises from 60 days to 30 days and to place a \$400 limit on amount of urgent repairs a tenant can carry out compared with an unlimited amount under the February 10 Cabinet decision.

Grusovin will also be asked to abandon its intention to introduce a rent tribunal in the next few months.

Tenancy Law Reform Hits the Headlines

Tenants and landlords

tenants fear reform

spokeswoman for the Tenants' Union, Ms Tracy Goulding, said she was extremely disappointed with the proposed legislation.

She was very concerned that tenants might make it even more difficult for a tenant than it was

labelled the reforms a "terrible disappointment" for landlords.

"We don't think it is going to do anything to help the growing crisis shortage of rental accommodation," he said.

Landlords should have the right to demand more rent in advance, he said. To restrict the maximum payment to four weeks was "crazy".

"Tenants will be able to give only 21 days' notice if they want to leave the tenancy for no reason, but the landlord has to give 60 days' notice. How can that be fair?"

tenant battling a of rent rises

He bought three properties in the building as an investment proposition, so I saw no reason to take out a lease for six or 12 months," Jim said. In 1978, he paid \$75 per week for the unit with the unit's

identical unit sold in 1975, he estimates the landlord paid around \$25,000 for his unit. Jim has paid \$40,000 in rent since April, 1975. "I have always paid my rent and, as the agent said, kept the place in perfect condition. But when the tenancy officer rang the agent to

'sell out'

CONSUMER and tenancy groups fear the NSW Government's controversial tenancy reform package is about to be watered down to suit landlords.

Sydney's residential market is battered by regulations

By PETER BRUCE

The Sydney residential rental market was facing its worst crisis for 25 years, the president of the Real Estate Institute of NSW, Mr Chris Scott, said yesterday. According to a survey conducted by the REI and released yesterday, landlords have been hit more by government regulations and charges than the authorities have realised.

balance demand REI. "The ply," I Gov for es Tenan from claim increa haled said. M. nal c

Landlords and tenants to wash linen in public

By JONATHAN CHANCELLOR, Property Reporter

The landlord's right to index rents in line with inflation will be one of the first issues considered

per cent on the money in buy rental me from the ghly ma nd the inves which was & interest ntil rates, nd other ed by an in the typical pay betwe 00 a year ket, said typical lan found.

Tenants fail in first rent tribunal day

LANDLORDS and real estate agents won a unanimous points victory yesterday at the first sitting of the State's new rent watchdog body, the Residential Tenancies Tribunal. Of the four cases heard in the tribunal in Sydney, three ended in rejection of claims that recent rent increases were unfair. St. Newtown, was estimated to be around \$100,000.

Tenants' Union challenges tribunal reform legislation

By CONNIE LEVETT

MRS Gwen Kilpatrick thought she had a very convincing case when she went to the Residential Tenancies Tribunal last November to appeal against an increase in rent. She was wrong.

Now she is mounting a test case in the NSW Supreme Court to challenge the tribunal's interpretation of its powers with regard to excessive rents.

With the help of the Redfern Legal Centre, she will seek an analysis and definition of the term "excessive".

The Supreme Court challenge will aim to widen the criteria under which an increase in rent can be seen as excessive.

It will also challenge the tribunal's interpretation that the onus of proof to show that a rent increase is excessive should fall on the tenant.

Tenancy groups believe the onus should be more evenly balanced between

the two parties, with the landlord asked to show why an increase is not excessive.

Under the present law, the tenant has to show that the increase in rent is excessive in comparison with market rents.

Mrs Kilpatrick's case had been considered extremely good by tenancy workers who had been confident there would be a positive result - until they saw how the tribunal was interpreting its powers.

Her case was the eighth consecutive ruling against a tenant. Of the 102 cases to go before the tribunal since it began last October, only 15 have gone in favour of tenants.

Ms Tracy Goulding, a Tenants' Union spokeswoman, said that, considering the mass of rent increases, very few tenants had gone to the tribunal.

"It shows that tenants have recognised the tribunal can do nothing for them," Ms Goulding said.

The new tenancy reform legislation has its second reading in State Parliament this week.

Ms Goulding said tenants would continue to be disadvantaged if the legislation went ahead unchanged.

She said the only way to change the legislation was through legislative amendments or through a Supreme Court challenge.

The test case had been mounted because tenancy groups did not think the State Government would make the necessary legislative amendments, she said.

The primary consideration for determining whether a rent is excessive will continue to be the market rent but other matters will be taken into consideration, including the value of the premises, the outgoings of the landlord and the estimated cost of any work done by the landlord or the tenant.

Ms Goulding said the Tenants' Union would like to see the criteria for establishing excessive rent broadened to give all provisions equal weighting.

Tenancy workers are also concerned that, under the new legislation, the tenant will continue to have no representation at tribunal hearings. The landlord can be represented by the managing agent.

Ms Goulding said that, to date, the tribunal had put much greater weight on the evidence of the landlord than the evidence of the tenant. The agent was seen to have greater knowledge, she said.

In Mrs Kilpatrick's case, the magistrate accepted in his decision the experience and knowledge of the real-estate agent. He asked Mrs Kilpatrick what experience she had in real estate to judge market value.

Mrs Kilpatrick's challenge will go to the Supreme Court on May 13.

CAMPAIGN ACTION FOR RENTAL REFORM (CARR)

Tenancy law reform has been one of the T.U.'s major priorities over the past twelve months, following the Government's decision to finally introduce reforms to the 1899 Landlord and Tenant Act.

Unfortunately it's been a year in the mould of the past decade - big promises but not much else.

The start of 1986 did look hopeful. After a decade of promises, draft legislation was actually drawn up and approved by Cabinet in February/April. At the same time, a commitment was given to release the draft for a six month period of community consultation.

In response, the T.U. established the campaign group, Campaign Action For Rental Reform (CARR), to push for *meaningful* legislation to be introduced as soon as possible.

However, a number of factors were working against us last year including:

- 1) The great ministerial shuffle which saw three ministers for Consumer Affairs in twelve months, the last being Deirdre Grusovin. Any consultation that may have previously occurred with the community sector ceased on her arrival.
- 2) The Government recorded several disastrous by-election results in mid-year which resulted in increasing conservatism on their part.
- 3) A changing economic climate especially with regard to Federal Government taxation policies.
- 4) The growing influence and conservatism of the Real Estate Institute (REI), a powerful well-resourced lobby group.

5) The Government's decision to split its reform package into two parts. Stage One established the Residential Tenancies Tribunal (RTT) in October 1986 with initial jurisdiction to hear only excessive rent complaints. The tenancy lobby anticipated a fairly disastrous result for tenants, and unfortunately our predictions proved to be correct.

Stage Two, embodying the bulk of the reforms, was due to be released for public comment in August 1986. In fact, the legislation was tabled in Parliament in March this year without any prior community consultation.

These factors all spelt great danger for tenancy law reform. Many times during the past twelve months the Community Sector has feared that the reforms would either be radically watered down or dropped altogether.

Late last year, copies of a Cabinet minute and a revised draft for reform legislation which caused great concern were leaked to CARR. It was clear that the Minister wanted to water down or totally eliminate key elements of the draft legislation approved by Cabinet in early 1986. Seventeen major amendments to the original bill were proposed, not one of which adopted the recommendations of the tenant lobby. Similarly whilst some changes were proposed for the RTT, none addressed the considerable problems faced by tenants in presenting a successful case.

Some of the comments justifying these amendments make interesting reading. We have added words which we think finish off each quote appropriately.

- 'to proceed as previously proposed would result in considerable criticism of the Government' **BY THE REI AND THE PROPERTY LOBBY.**



Despite spiralling labour costs, exorbitant interest rates and unconscionable government interference, property investment allows us, through a combination of deceptive marketing practices, rent inflation, and tax avoidance, to show a profit which, in all modesty, could only be called excessive.

- 'the new course.....(defers) those reforms.....
'which would be considered controversial' **BY THE
REI AND THE PROPERTY LOBBY.**

- 'It is believed that the proposals.....will
enhance the Government's credibility' **IN THE
EYES OF THE REI AND THE PROPERTY
LOBBY.**

- 'It is necessary to limit the economic impact of the
proposed legislation on property owners' **AND
TENANTS CAN GO TAKE A BATH!!!**

Other statements in regard to specific provisions of
the Minister's proposals need no further comment...

The Minister proposed to allow discrimination against
potential tenants with children to 'reduce interference
with people's (ie: existing tenants or neighbours)
freedom of lifestyle'. Further the Minister wanted to
increase the maximum rent in advance from two
weeks, as proposed by Cabinet, to four weeks because
'a significant number of Real Estate agencies conduct
their business on a calendar monthly basis!'

It is not difficult to see where the Minister's
sympathies lie.

Cabinet considered Grusovin's watered-down proposals
on November 12th, 1986. Given prior warning
CARR had lobbied politicians, initiated media debate
and enlisted wide support from Labor Council and the
community sector. CARR delegates had sought a
meeting with the Minister which was granted
reluctantly. The delegation left this meeting with a
strong impression that the Minister had accepted the
property lobby's arguments that law reform would lead
to automatic disinvestment and a worsening of the
housing crisis. This opinion is contrary to the
Government's own advice and commissioned studies.

The intensity of opposition combined with the
proximity of further crucial by-elections lead Cabinet
to defer a decision until the Spring session of
Parliament pending a review by the Housing Sub-
Committee of Cabinet (HSCC).

CARR intensified its lobbying activities during the
crucial months which followed. This was made
extremely difficult by the fact that the whole review
process was finalised amidst much secrecy.

The Bill, which was finally tabled in March, is
extremely disappointing overall. The small advances
made in this piecemeal attempt at reform are seriously
undermined by major inadequacies in the legislation
including:

No Security of Tenure

Not only does the Act give tenants no security of
tenure but it also allows for completely inadequate
periods of notice ie:

14 days - Where rent is unpaid for 14 days. Although
this is obviously inadequate, it is a minor
improvement on the 7 days notice proposed by the
Minister for Consumer Affairs, Deirdre Grusovin.

14 days - Any other breach.

14 days - Where vacant possession is required at the
end of a fixed term lease with no holding-over
provision. Supposedly, this provision was included to
allow premises to be rented for finite periods in
specific circumstances eg. where an owner/occupier
wishes to rent her/his property while on holiday etc.
However, there appears to be nothing in the
legislation to restrict the use of such fixed term
agreements and therefore nothing to stop landlords
from using this provision as a simple way of avoiding
the required 60 days notice for a no-cause termination.

30 days- Sale of premises. It appears that 30 days
notice is required *after* the exchange of contracts so
this should give tenants some protection against
landlords using a supposed 'sale' as an excuse for a
quick and easy eviction.

60 days - No reason. This is not only much less than
the 4 months and 6 months notice required by South
Australia and Victoria respectively but is also only
half the period of notice originally approved by
Cabinet last year. Whatsoever, as the 60 days notice
is only equal to the period of notice for a rent increase
there is nothing to discourage landlords from evicting
tenants when they want to ensure a trouble free rent
increase.

No Protection Against Excessive Rents

The problems so apparent in the first stage of the
legislation have not been addressed in the new Act.
Rent increases will continue to be assessed primarily
in relation to inflated market rents; tenants will
continue to have the full onus of proving the increase
is excessive, an exercise which involves hours of
work; and tenants will continue to be required to
represent themselves despite the landlords' automatic
right to representation by her/his agent. Given the
Tribunal's decidedly unsympathetic interpretation of
the legislation to date, who knows what horrors will
be revealed once it has jurisdiction over all tenancy
matters.

No Discrimination Provisions

The legislation contains no provisions for the
protection of tenants against discrimination - in
particular, discrimination of prospective tenants with
children. Discrimination provisions were included in
the original reform proposals but were another
casualty of Grusovin's intervention.

The Exclusion of Boarders and Lodgers

One of the most vulnerable groups in the private
rental market ie boarders and lodgers are excluded under
the Act. Their situation is apparently going to be
reviewed by the Minister in due course...

* See the next edition of Tenant News for full details of the new legislation.

Inadequate Privacy and Access Provisions

Landlords are required to give notice of an intention to 'visit' the premises but the tenant's consent is not required. Landlords are also entitled to hold keys to the premises and to make inspection visits 4 times a year. Obviously this leaves tenants completely open to invasions of privacy and harassment.

4 Weeks Maximum Rent in Advance

The Act allows for a maximum 4 weeks rent in advance for properties rented at over \$300 per week. (For properties rented at under \$300, the maximum rent in advance is 2 weeks.) This will obviously effect many large low income households already above the \$300 limit as maximum limits inevitably become the norm. Significantly, the \$300 limit is not indexed to inflation.

Inadequate Repair Provisions

Under the Act landlords are required to maintain their premises in a 'reasonable' state of repair and tenants are entitled to arrange for urgent repairs to the value of \$800 maximum. Unfortunately, the Act fails to back this up with a working definition of 'reasonable state of repairs' and a hardship account for those tenants who can't actually afford to outlay money for urgent repairs.

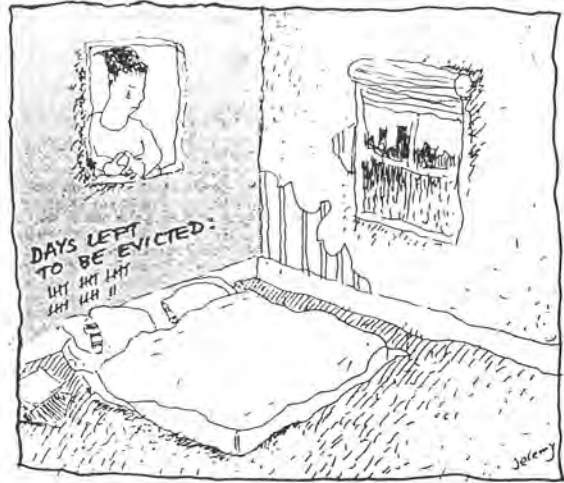
Clearly the legislation is biased heavily towards the needs of the property lobby rather than those who are forced to seek accommodation in the private rental market. This has not prevented the property lobby, the REI in particular, from cynically seeking a further watering-down of the legislation.

CAMPAIGN ACTIVITIES

Campaign Action for Rental Reform has its base in community housing/tenancy and legal/welfare organisations and has met roughly every three weeks over the past twelve months. T.U. Project Officers, in particular Jane Hearn, co-ordinated CARR activities until October when a full-time co-ordinator, Sue Creek, was appointed for a limited period of time.

The level of participation and involvement by individuals and groups in CARR has varied. There are a number of perceived reasons for this. The campaign has been carried on for much longer than was expected and it was only towards the end of the year that a paid worker was taken on. Understandably, there was a tendency for campaign participants to hand over tasks and responsibility to the campaign worker. Unfortunately this has meant that at times Sue has been vastly overloaded. Further, the duration of the CARR job was always viewed as short-term so planning and contact development by the worker were undertaken accordingly.

Nevertheless many individuals and organisations have given heaps of their time and resources to CARR. Thanks to all who did so and thanks especially to Sue Creek, the TAHRS network and other T.U. staff, HIRS, Australian Consumers Association (ACA) and Redfern Legal Centre (RLC).



The four areas on which CARR has concentrated its work are policy development, lobbying, media, and community education.

Policy development included analysis of the Government's reform proposals and the development of our own submission based largely on the recommendations of the Cabramatta Report.

Lobbying of MPs and Government decision-makers was undertaken. ALP structures, Labor Council, Trade Unions, Welfare/Community organisations and government departments were used to pressure MP's or parliamentary groupings at appropriate times. CARR achieved good support from left MPs but found it difficult to get past first base with those from the right.

The media sub-group's role was largely taken over by Tracy Goulding shortly after her commencement as a T.U. worker. Over the last six months particularly, media coverage in both mainstream and community media has been very good. Much has been done to build up support for the Campaign and raise the public profile of the T.U.

Quite intensive coverage began with the opening of the RTT in October 1986 and continued through until late November when the draft legislation was referred to the HSCC for review. During this period we had regular reports in the metropolitan and suburban papers, on radio news and current affairs programmes and even some television coverage.

From December to early March it was more difficult to focus media attention on the Campaign as information on the progress of the draft legislation was almost non-existent. However, we continued to maintain contact with the media in connection with the RTT and the Campaign over the last couple of months via press releases and phone calls, resulting in some coverage and an increasing tendency for the media to contact us for a response to various housing issues eg: Channel Seven and Channel Ten recently interviewed us for our response to an REI statement on negative gearing and capital gains tax. In the last weeks, following Cabinet's approval of the legislation, media coverage was again intensive allowing us to express our overall dissatisfaction with the proposed reforms.

It is obviously extremely important for the T.U. and the law reform campaign to develop a high public profile. Over the next year we will continue to maintain active contact with the media to ensure that the tenant's side of the story is fairly represented.

Community education has been an important but time-consuming part of CARR's work. Organisations and tenants have been alerted to the need for law reform and its progress at the time. Resource material has been prepared and distributed and CARR representatives have participated at forums, seminars, public meetings, community events and on radio programmes.

The aim of the Campaign has been to promote and coordinate community-based activity directed towards the introduction of meaningful tenancy law reform. Obviously the final reforms are much less than we would have liked. However the current Campaign must be located within the historical context of an ongoing struggle for tenants to achieve some sort of equity from a system which is stacked against us. It is important to identify some very real constraints within which we have operated:

-The inherent contradiction of profits vs shelter in the Private Rental Market.

- Recent national and international developments which have lead to a more difficult economic climate in which to introduce reform eg: financial deregulation¹, high interest rates, capital gains tax and the abolition of negative gearing.

- Powerful and well-resourced opponents. The REI and property owners had little difficulty in establishing a \$400,00 fighting fund last year. The REI has an enormous pool of human resources in the thousands of Real Estate agents in every electorate across the state. They all have commercial, vested interest in retaining the status quo and nothing to lose by being vocal (unlike tenants). The REI is also assured of excellent media coverage because of the value of its member's property ads. Over the last twelve months the REI has effectively used the media to propagate misinformation about the intent and content of the proposed reforms, especially plugging the line that law reform equals rent control.

The existence of these factors has meant that the T.U. and CARR have had little capacity to influence the agenda within which tenancy law has been debated, although as noted previously that capacity is growing and will continue to grow. We have been in a position of constantly responding to rather than being able to initiate debate.

It is important to acknowledge, however, that without our pressure the final provisions within the Bill would have undoubtedly been even more disastrous for tenants. We were not successful in getting back to the original Cabinet-approved draft, but the Minister did

eventually tone down some of her more outrageous proposals.

Clearly a huge amount of lobbying, media activity and community education have gone into CARR. Whilst reflecting on the effectiveness of this work especially given the constraints mentioned above, the limitation of a small T.U. membership has become very apparent. We are reaching the limits of what can be done with our relatively small (in comparison to the numbers of tenants in NSW) membership.

For this reason the T.U. Board has made recruitment a priority in 1987. Tenants can show their support for their Union by:-

- *joining both their local Tenancy Advice Service(TAHRs) and the T.U.
- *sending off letters etc. when required to Government.
- * becoming involved in the management and activities of their local TAHRs.
- * turning up to demonstrations etc. when they occur.

1:

Over the last twelve months there has been a great deal of debate at Federal and State level over the issues of deregulation (of the banking system) and taxation with regard to the supply of Private Rental housing.

The major financial institutions successfully pressured the Government into deregulating the financial market including, for the most part, housing finance.

Given current levels of interest rates, investors in the Private Rental Market can't compete easily with owner-occupiers who are extensively subsidised by the Government. The level of these continuing subsidies to owner/occupiers means that in the long term there is no way that the Private Rental Market can be particularly attractive to investors (short of large subsidies to landlords which would be neither a desirable nor viable fiscal option).

Long-term solutions to the housing crisis can realistically only be found through Government promotion of alternative non-privatised tenure forms such as public housing, co-operatives, rental housing associations etc..■



GRANT- IN -AID PROJECT

The objectives of the Grant-In -Aid Project which has now been running since mid 1985 are as follows:-

- 1) To develop and encourage the involvement of those from non-English speaking backgrounds (NESB) in the operations of the T.U. at all levels - Board, membership, staff, local services, community education and campaigns.
- 2) To work on developing resources which will enable local workers to effectively deal with tenants from non-English speaking backgrounds within the context of the broader aims of the T.U. and
- 3) To investigate and make known the particular difficulties facing tenants from non-English speaking backgrounds in the private rental market.

During most of 1986, Christine Gibson worked on the GIA Project until Mary Anne Veliscek returned from extended leave.

The GIA worker is a part of the T.U. team and certain tasks are shared amongst all the staff eg: switch roster and orienting new staff plus attendance at organisational meetings. Aside from involvement in these activities there are four major areas of work including:

- A) Support sub-committee.
- B) Tenants' Advice and Housing Referral Service Network.
- C) Law Reform Campaign.
- D) Community Education.

SUPPORT SUB-COMMITTEE

The GIA Support Sub-Committee was originally intended as a means of achieving objective 1, i.e. introducing and involving those from non-English speaking backgrounds in the operations of the T.U.. Evidence of its usefulness is demonstrated by the fact that some members of the Support Sub-Committee have now become members of the Management Committees of the local TAHRS.

However, due to the increased responsibilities and commitments of members and the geographic difficulties associated with the group it was decided that the Support Sub-Committee was unable to continue as a useful forum for support and direction of the project.

With the dissolution of the Support Sub-Committee the GIA worker became directly accountable to the T.U. Board through the Management Committee. Unfortunately neither of these groups have involvement by those from non-English speaking backgrounds. In order to address this situation the GIA worker has identified the need to:-

- a) Develop a multicultural policy for the TU &
- b) Participate in a broad membership drive which the T.U. is planning to undertake in the next 12 months.

The anticipated outcome of these new directions is a more structurally representative organisation. Ideally the membership composition should more closely reflect the range of backgrounds of those in the private rental market. The organisation's functions/priorities should be established in the context of a multicultural framework.

TENANTS' ADVICE AND HOUSING REFERRAL SERVICE NETWORK

The development, training and resourcing of eleven locally-based tenancy advice services has proven to be a major focus of the GIA project. This important work will continue to be a priority as there will be a further ten services established during 1987. Because of the workload associated with the development of these services it has been necessary for the GIA worker to take primary responsibility for several TAHRS, both actual and targeted, in areas with large numbers of tenants from non-English speaking backgrounds, e.g. Parramatta, Auburn, Holroyd/Canterbury, Bankstown/St. George, Sutherland.



As well, the GIA worker has a broad role across the network which involves working with other T.U. staff on :-

i) Encouraging the participation of those from non-English speaking backgrounds with their local service through such means as widely publicising meetings and working on housing issues relevant to particular ethnic groups;

ii) Ensuring that the training given to local workers includes such things as strategies for making services relevant to tenants from non-English speaking backgrounds, etc;

iii) The creation of appropriate resource material, e.g. the Migrant Education Project which is a series of four talks on aspects of tenancy currently available in Chinese and Spanish;

iv) The distribution of useful information, e.g. multilingual leaflets, training techniques, etc..

At this stage four local services employ bilingual workers, there is involvement by those from non-English speaking backgrounds on some Management Committees and there is a multi-lingual publicity campaign for the TAHRS network in progress. Some services have three way phones and local workers have been made aware of and encouraged to utilise such resources as the Telephone Interpreter Service, Ethnic Affairs Commission, the Anti-Discrimination Board and the Ethnic Consumer's Unit, etc.

LAW REFORM CAMPAIGN

Strategies aimed at integrating tenants from non-English speaking background in the Law Reform Campaign have included close liaison with the CARR co-ordinator in:-

- Obtaining endorsement and support from the Social Welfare Sub-Committee and Executive of the Ethnic Communities Council;

- Assisting and encouraging TAHRS to attend local migrant interagencies re. CARR, including distribution of written material outlining the relevance of law reform to tenants from non-English speaking backgrounds;

- Delegation with the Ethnic Communities Council to Franca Arena (MLC) seeking support for the campaign;

- Raising law reform issues in forums which have tenants and workers from non-English speaking backgrounds in attendance e.g. talks to Institute of Language students, GIA workers and Agencies Co-Op AGM.

As the campaign's evolution is largely determined by factors outside the T.U.'s control, changes in direction occur quickly. The potential for response in this area is enormous, but has been limited by other work priorities.

COMMUNITY EDUCATION

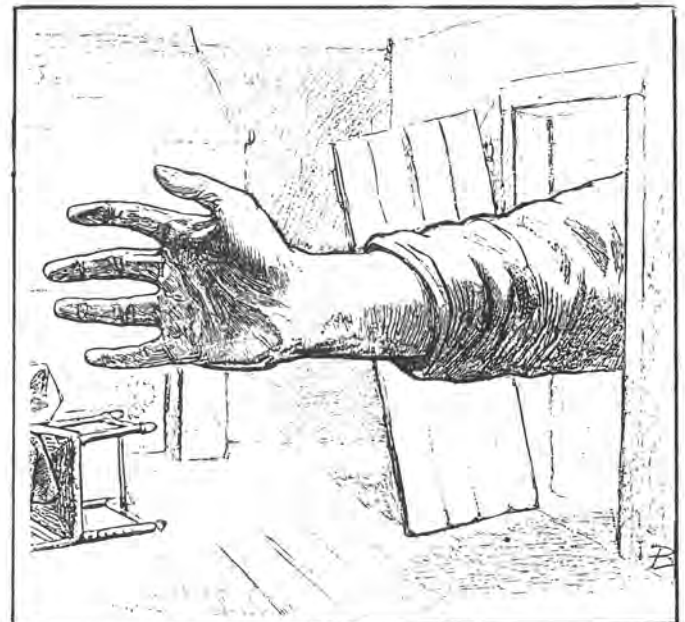
The community education facet of the GIA project has developed on a number of levels. Information relevant to tenants from non-English speaking backgrounds including the particular difficulties facing those from non-English speaking backgrounds within the private rental market has been incorporated into all aspects of the T.U.'s work. Significantly this includes:

- Input to the development of appropriate training material for tenancy advisors, e.g. how to use interpreters;

- Talks on tenancy to a range of diverse groups, e.g. students, local Government Housing Officers, Ethnic Line volunteers, Vietnamese tenants, etc.;

- Participation in community festivals, e.g. an information stall at Addison Road Community Centre.

- Contributing to the production, translation, printing and distribution of information in four community languages to residents of the Randwick municipality through involvement within the Migrant Housing Information Group (MHIG);



- Utilisation of media contacts to inform people regarding the particular difficulties facing tenants from non-English speaking backgrounds, e.g. talks to Film Australia about discrimination, Parramatta community radio programme on the vulnerability of tenants from non-English speaking backgrounds to the exploitative practices of some landlords/real estate agents.

- Articles for Ethnic Communities Council, Housing Information and Referral Service (HIRS), Co-As It, Shelter and T.U. newsletters plus the circular distributed to the TAHRS network;

- Consultation with Department of Consumer Affairs regarding the potential effects of reform proposals on tenants from non-English speaking backgrounds.

Both contact with tenants and distribution of resource material to tenants and organisations have served a valuable educative function.

FUTURE DIRECTIONS

The T.U. faces further expansion in 1987 - more staff and a growing network of locally-based services to resource. With the continuing law reform campaign, community education programme and the necessary redrafting of the T.U.'s resource materials all being important it is difficult to prioritise areas of work.

Current priority areas of work are:

- 1) Development of a multicultural policy for the T.U..
- 2) Development of specific TAHRS (Canterbury/Bankstown and St. George/Sutherland).
- 3) The current GIA grant expires at the end of 1987, and the T.U. has decided to re-submit for a further three year grant. Submissions are due by May 1987 and will be announced in December 1987.
- 4) Community education, in conjunction with the TAHRS network.

Other priority areas are:-

- 1) Continuation of development, training and resource work in conjunction with other T.U. staff for both the existing and potential network.
- 2) Updating existing resource material in the light of reformed legislation in conjunction with other T.U. staff.
- 3) As one of the T.U. staff the GIA project worker will need to be involved in the development of the proposed Management by Objectives.
- 4) A membership drive, in conjunction with a general membership drive. ■



COMMUNITY EDUCATION

Community Education is an integrated feature of the T.U.'s work programme. All staff have participated in various ways in a variety of community education activities during the previous twelve months which have brought the organisation into contact with a wide range of people.

A list of specific organisations who were contacted during the year would include:-

- Norma Parker (Women's Prison)
- Manly Citizens Advice Bureau
- Campbelltown Community Services Volunteer Programme
- Cronulla Community Theatre
- NSW TAFE Social Welfare Students
- St. George TAFE
- Sydney University Social Work Students
- Sydney College of the Arts
- Bathurst CAE
- 20/10 Refuge
- Cobham Remand Centre
- Statewide Careforce Conference
- DSS Workers Parramatta
- Cabramatta community Centre

Community Education is referred to in these other sections of the report: GIA Project, Legal Work, Resources, Training Package and CARR. ■

ADMINISTRATION

Early in 1986, Margaret Cobb started at the T.U. as a full-time administrative worker.

Since then a catalogued library and a system of records management have been introduced. An Apple-Macintosh word processor/computer has also been installed which most staff use. Margaret also co-edits Tenant News.

The Hotline is the T.U.'s longest established tenancy advice giving service. Welfare agencies and tenants have volunteered to keep it together over a period of many years. This task was at last made easier with the willingness of metropolitan TAHRS workers to take a share of the roster.

There have been two effects of this change. Firstly, gaps in the roster have been reduced giving tenants greater access to advice and secondly, the quality of advice given has improved because of the more extensive training undertaken by TAHRS workers.

Negotiations for new premises are continuing. Early last year the roof on the current premises had still not been repaired following a fire in the upper part of the building. Over a period of many months conditions were atrocious for T.U. workers. During this time we began to seriously look for new premises but weren't exactly welcomed with open arms by the Real Estate agents about town. Negotiations with the Housing Department were undertaken and are continuing. All in all it has been a very frustrating episode in the T.U.'s history.

The T.U. is co-sponsoring a national Tenants' Union Conference with the Victorian T.U. to be held from the 28th to the 30th May at La Trobe University in Melbourne.* It has not been easy to co-ordinate the organisation of the conference between two state offices, although obviously the Victorians have done most of the ground work.

1986 was the first time that a full-time administrative worker has been employed at the T.U.. This has coincided with the expansion of the number of full-time positions following funding through the Housing Information and Tenancy Services (HITS) programme. Orderly and efficient office procedures, availability of supplies and equipment and the introduction of new systems have allowed other T.U. staff to work more effectively. Indeed, the integration of the work of the T.U. staff into a plan which takes account of broad directions and general priorities for the T.U. would not be possible without proper administrative back-up.

** We will have a full report on the national Tenants' Union Conference in the next edition of Tenant News*

LEGAL WORK

For a number of reasons the T.U. had considerable problems employing a legal worker. Finally however Peter Barling was found and the T.U. hasn't looked back since.

Peter's work has involved the following:-

- * Resourcing the TAHRS network on legal questions;
- * Giving workshops for TAHRS/TAS and community workers;
- * Preparation of materials for educational purposes;
- * Development of law reform proposals;
- * Developing links between T.U./TAHRS/TAS and Legal Aid/Community Legal Centres;
- * Interpreting legal documents e.g. leases, Acts of Parliament.

Basically the legal worker has provided much needed expertise and back-up to the other staff and the TAHRS network while feeding into priority areas such as development of the TAHRS network, Campaign Action for Rental Reform (CARR), and setting up of training programmes.■



House? HOUSE? - I'm
only just able to
afford the rent on
this WINDOW!



weight.

RESOURCES

YOUR RIGHTS AS A TENANT - Our tenant's rights booklet has been updated to include stage one of the new legislation (The Residential Tenancies Act, October 1986) and is about to be reprinted. Copies should be available shortly.

When the second stage of the law reform package is finally implemented, the booklet will be completely revised to cover the new legislation. It will be a T.U. priority to have these booklets available as soon as possible after the legislation comes into effect.

We are currently negotiating with Redfern Legal Publishing about the possibility of jointly producing a Tenants' Rights Guide (like the Redfern Legal Centre Crash Kit) for sale in bookshops. It is proposed that this guide will be used in conjunction with the cheaper "Your Rights As A Tenant" which will still be available free to individual members and tenants and sold at cost price to services for distribution.

The multi-lingual versions of "Your Rights As A Tenant" have not been reprinted as they are in dire need of revision. Again, it will be a top priority for the T.U. to develop more adequate multi-lingual resources over the next twelve months.

TENANTS RIGHTS MANUAL - A small number of Tenants Rights manuals have been reprinted for distribution to tenancy advice services. The manual will also need to be completely revised once the legislation is implemented.

TENANT NEWS - Our newsletter has recently been revamped and should now come out (funds and time allowing) on a quarterly basis as an 8-12 page semi-glossy. Hopefully, this more glossy presentation will encourage tenants to join the Tenants' Union. The new look newsletter is a first stage of our membership drive which will be a major focus for the Tenants' Union this year.

TAHRS/TAS CIRCULAR - A monthly newsletter distributed to all TAHRS and TAS's to maintain good communication between the T.U. and the local services. The newsletter contains general information on changes to the legislation, resources, hotline changes etc.

TAHRS PUBLICITY PAMPHLET - Brochures advertising the TAHRS services are currently being typeset and printed in sixteen different languages. These brochures have been produced jointly by the TAHRS, the Tenants' Union and the Department of Housing.



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MIGRANT HOUSING INFORMATION BROCHURES - A series of brochures in four different community languages listing housing referral services and emergency accommodation in the Eastern Suburbs are currently being printed. These were produced by the Migrant Housing Information Group (MHIG) ie: Tenants' Union, Housing Information and Referral Services (HIRS) and Shelter and were sponsored by Randwick Council as a pilot series. The MHIG is also currently organising a series of radio skits and interviews on tenancy matters for broadcasting in different languages on 2EA.

HOUSING ACTION MANUAL - A manual outlining ways tenants can organise to have greater control over their housing is currently being prepared for printing.

CARR PUBLICITY MATERIAL - A tenancy law reform poster and campaign brochure have been widely distributed.

TENANTS' UNION POSTERS AND T-SHIRTS - The Tenants Union Poster has been reprinted and is now available at a cost of \$5.00. T-shirts are still available in limited (small) sizes. More should be printed soon.

PEOPLE FOR PUBLIC HOUSING POSTER - The TU participated in the production of a People for Public Housing poster which will be used to promote public housing across the state. ■

TRAINING PACKAGE

Martin McEwen, the T.U. Training Worker is developing a comprehensive package to address the training needs of new workers coming into the network during 1987.

The aims of the package are as follows:-

1. To identify the training needs of new workers.
2. To provide up to date information on legislation relating to tenancy and to develop an understanding of the legal principles involved in the lease.
3. To familiarise new workers with the issues related to tenancy, the historical context within which they arose and the political objectives of the Tenants' Union.
4. To serve as a focus for the acquisition and development of training resources.
5. To ensure that the service provision aspects of new services are on the ground and operating smoothly in as short a time as possible.

In November and December 1986, consultation with existing TAHRS's occurred in order to determine the content and format of the training package and to review available resources.

A list of suggested topics for inclusion in the course and proposals for the style and presentation of material and duration of the course was submitted to the TAHRS's for comment.

In January 1987 this material was reworked into a course outline and submitted at the TAHRS Quarterly meeting.

A course of three parts (or strands), each of two days duration, is proposed.

PART ONE aims at providing new workers with essential skills for survival as a tenant's advisor including:

- The legal principles involved in the lease and legislation related to tenancy.
- An understanding of the history and context of the formation of the Tenants' Union and an overview of the TU/TAHRS network.
- The development of communication skills in practical situations likely to be encountered by new

workers and clarification of the tenant advisor's role in those situations.

PART TWO looks at government departments and organisations related to tenancy.

- Judicial structures and legal mechanisms relevant to dispute resolution.
- Working within the community.
- Community education.

PART THREE examines policy issues in greater depth including:

- The political economy of Australian Housing Policy.
- Law reform.
- Community action options available.

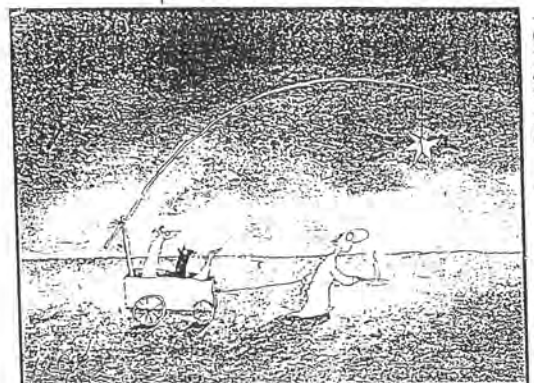
The T.U. will be responsible for running the course in conjunction with relevant organisations and people with specific expertise where applicable.

The course will be phased into and will extend existing training workshops. Part One material is being piloted in T.U. basic training workshops as new material is being developed. It is envisaged that this part of the programme will be completed by June 1987 to coincide with the induction of new workers into the network.

Part One covers the existing basic training material in far greater depth as well as extending the areas covered but there is no reason why sections of this material could not be used in the basic training workshops currently given by the T.U.. (Basic training workshops are given to tenants, voluntary tenancy advice services and people outside the funded network involved in work related to tenancy).

Parts Two and Three should be completed at various stages throughout 1987. At this stage we are trying to ensure that each part is completed and running about two months and four months respectively after the completion of Part One. ■

practical
^ aspects of being a



Tenants' advisor

POLICY DEVELOPMENT

Because of its lack of resources over the years the T.U. had always been in the position of having to respond to issues and has rarely been able to initiate debate. Consequently policy has always been made on the run and large areas exist with no policy at all.

Recognising this problem, a worker has been employed, whose primary responsibility is planning and policy development.

It is hoped that grassroots issues can be taken up, discussed widely throughout the organisation and developed into policy which will be relevant to those whom it affects. Improved information flow to and from the TAHRS will be an important step in this process. The involvement of tenants in the policy making process is another key factor.

The planned membership drive is not solely an exercise in increasing the T.U.'s membership list. Members should be able to feel that by being involved in policy debate and by being members of the T.U., they can work towards real changes in their own tenancy situation.

We hope that as the policy development process continues, members from (so-called) disadvantaged groups will become fairly represented within the structures of the organisation. ■

PUBLIC HOUSING

The last twelve months has been a period of sustained attack on public housing. The focus of most of the attacks has been the Department of Housing's policy of building public housing stock in inner city areas where costs are probably greater than if the same stock was built in other suburbs.

Those who make these attacks appear to be motivated mainly by a wish to get public housing tenants as far out of their sight as possible, and in some cases simply by a cynical desire to undermine the Minister for Housing.

The T.U. is totally in agreement with this aspect of the Department's policy and supports developments such as Mort Bay, Balmain. Public housing tenants are not some kind of second class citizen that can be separated off from the rest of the population

A People For Public Housing group got underway early in 1986 and achieved some success in focusing public attention on the Government's broken promises concerning its commitment to Public Housing.

The T.U. will continue to support People For Public Housing in 1987, recognising that, in the long-term, public housing offers the only real possibility of secure affordable housing in good condition. ■



RESTRUCTURING

Early last year when it was known that HITS funding had been secured, it was clear to everyone that a restructuring exercise was necessary in order to cope with the onslaught. In the first half of the last year a number of planning meetings were held in which job descriptions were worked out for existing and proposed staff within an expanded organisational plan. An administrative position, followed by legal and resource and temporary training and CARR positions were added to the existing GIA Migrant Resource and Project worker positions. The Project workers take direct responsibility for the TAHRS programme.

Earlier this year a Planning and Policy Worker/Co-ordinators position was added and an evaluation of present structures is anticipated within a few months of the new Board being elected.

This restructuring process has largely been the vehicle which has taken us from the position of a small organisation employing a single worker only three to four years ago to a complex, integrated dynamic organisation which is involved in a wide range of activities and is able to respond more and more effectively to issues which affect tenants.

It has been an exciting, frustrating and at times painful experience to go through. And it was not without its casualties. In the middle of last year a dispute occurred in the T.U. which affected the morale of everyone involved in the organisation and resulted in one staff member leaving.

Consequently the TU has focused on developing practices which will help us to avoid such problems in the future. The need for a workable dispute-resolution procedure and a clearer contractual relationship between staff and Board has made the finalisation of the Industrial Agreement a high priority. The need for effective communication between staff members was highlighted and current staff have worked on developing a very high level of communication through weekly staff meetings, co-operation on common projects and an awareness of what other workers are doing and how that fits into the overall plan. ■

CONCLUSION - FUTURE DIRECTIONS:

A number of directions have been established for the concentration of T.U. activity in the coming year. In no particular order they are.

- 1) The establishment of new TAHRS, the further development of the TAHRS network and the integration of TAHRS and T.U. activity.
- 2) Maintenance of T.U. involvement in CARR in order to gain favourable amendments to the legislation which is currently proposed.
- 3) Policy development generally, but especially in connection with tenants from Aboriginal and non-English speaking backgrounds.
- 4) Involvement in policy debate over the supply of and access to Private Rental housing.
- 5) Evaluating the restructuring and development of the T.U.
- 6) Membership Drive.

As soon as possible after the AGM it is intended to organise a meeting of interested people in order to plan for the Membership Drive. In a sense all other priorities depend on the achievement of both greater numbers and greater involvement of the membership in T.U. activity. Everyone currently involved in the organisation is encouraged to attend this meeting or at least to be aware of the importance of this issue in relation to the long-term interests of tenants in N.S.W..

This is the stage of the report where 'thank-yous' are normally given for support over the year. But to single out any particular person would be to the disadvantage of others too many to mention.

Thanks to T.U. and TAHRS workers, active tenants, the current Board and those who have resigned during the year. Welcome to new Board members.

*Paul Wright, Secretary,
March 1987.*

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Organisation

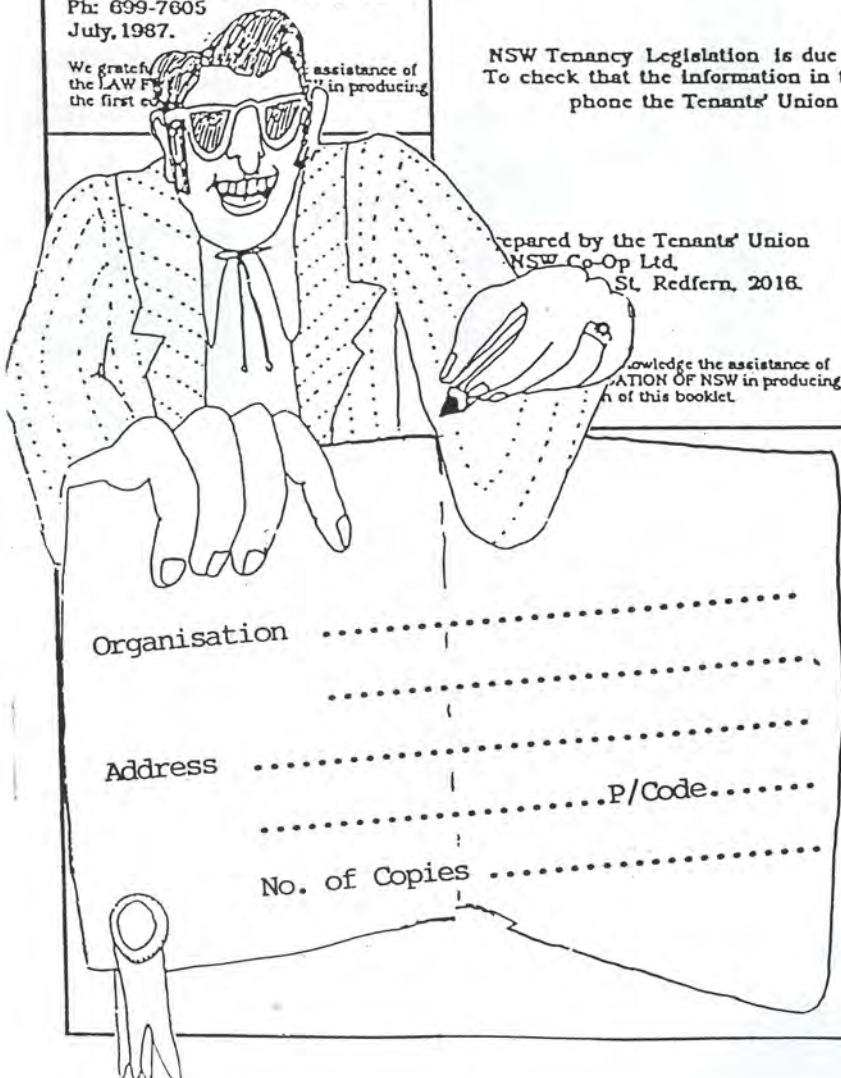
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