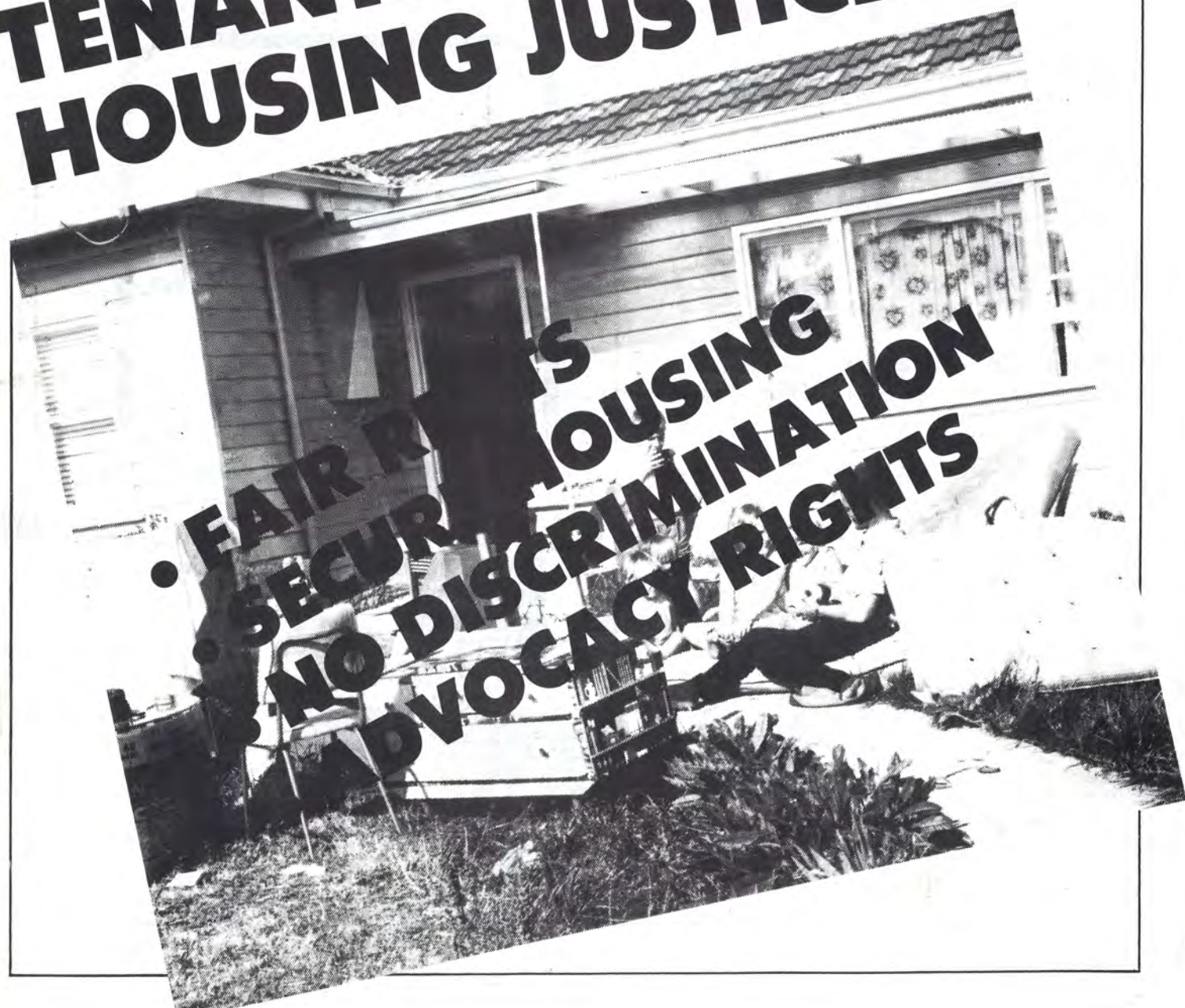


T E N A N T NEWS

TENANTS UNION OF NSW
CO-OP LTD
68 Bettington St
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TENANTS DEMAND HOUSING JUSTICE



• FAIR RENTS
• SECURE HOUSING
• NO DISCRIMINATION
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TENANT NEWS

March, 1988

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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.



TENANT NEWS is produced by
the Tenants' Union of NSW,
68 Bettington St.,
MILLERS POINT 2000
Ph: 27-3813

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TENANCY LAW REFORM

So Close and Yet Now So Far

In April 1987 the Residential Tenancies Act was passed by the NSW Labor Government. This legislation marked the culmination of a ten year campaign by the tenant movement to seek reform to the archaic and unfair 1899 legislation which covers private tenants.

Now, almost on the eve of its introduction (Labor had promised to introduce the Act on May 2nd,) the election of the Liberal Government places the whole future of tenancy law reform in this state in jeopardy.

The Liberals have publicly stated that they intend to amend the Act to make it "fairer for landlords" (if that's possible) and that they plan to abolish the Residential Tenancies Tribunal. !! Tenancy problems can, they say, be adequately dealt with in the local courts.

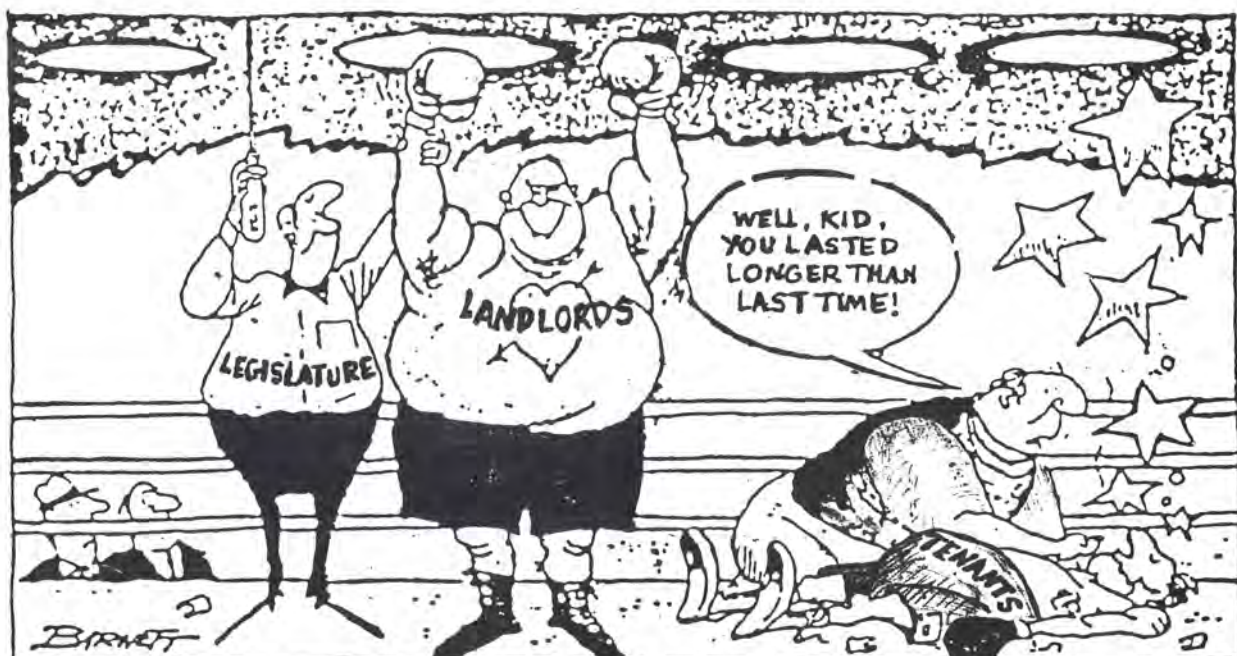
Contrary to Mr Greiner's opinion, the 1987 Act comes nowhere near giving tenants the protection they need - but at least it is a beginning. To go back to the drawing board now to make the legislation fairer for landlords after TEN years of consultation

and debate is not only a criminal waste of tax payers money but MORE IMPORTANTLY, devastating evidence of the Liberal government's complete lack of concern for the desperate plight of tenants.

ITS JUST NOT GOOD ENOUGH AND TENANTS IN NSW WILL NOT STAND FOR IT.

If you want to convince Mr Greiner that the almost one million private tenants in NSW are a force to be reckoned with:

- * Ring or write to the Premier and the Minister for Consumer Affairs demanding the immediate introduction of the 1987 Residential Tenancies Act.
- * Speak to your local member and ask what they are going to do for tenants
- * Write letters to metropolitan and local papers and complain about Liberal's 'policy' on tenancy law reform



CHANGE OF ADDRESS

***From 11
April, 1988***

***The Tenants'
Union will have
a new home:***

**68 BETTINGTON ST
MILLERS POINT
2000**



Ph: 27-3813

***HOTLINE :
251-6590***

CARR REPORT

Campaign Action for Rental Reform has been hot on the campaign trail for the last few months. Now, despite all our pre-election efforts, the election of the Liberal Government means we could be back where we started ten years ago - fighting for the most basic tenancy law reform in NSW. But of course, we will keep up the fight!

A priority over the next few months will be to speak to as many MP's as possible to try to convince them that the Liberal Government has a responsibility to introduce the 1987 Residential Tenancies Act without delay. We will also be hitting the media once again to convince the public that tenants deserve better than the feudal 1899 legislations. The Real Estate Institute has been alarmingly vocal in recent months in support of the Liberals' housing policy and it is imperative that we make our presence felt

Some of our election activities included:

- *Printing thousands of posters and pamphlets for distribution across the state calling on tenants to vote for tenants rights. These included a multilingual brochure plus pamphlets specifically printed for letter-boxing in the Parramatta and Waverley electorates. We targetted these marginal Labor seats to let voters know that the introduction of tenancy law reform in NSW would be in jeopardy if a Liberal Government was elected.

- * Printing a comprehensive briefing paper for distribution to politicians and candidates. We also sent out a questionnaire on tenancy issues to all endorsed candidates. The response was disappointing.(to say the least) .We hope this is not an indication of the interest in or commitment to tenancy issues amongst new MPs.

- * Many media releases and media contacts in an effort to put tenancy law reform on the agenda for the elections.. The response was reasonable - but , as always , it was an up hill battle. The media campaign will of course continue.

If you are interested in joining CARR phone the Tenants Union Ph: 27-3813.

TENANTS OF NON-ENGLISH SPEAKING BACKGROUND

In October 1987 the Ethnic Issues Sub-Committee of the Tenants' Union organised a seminar at Granville Town Hall on issues affecting tenants of non-English speaking background.(NESB)

The seminar was held to mark the launching of the Tenants' Union Multicultural Policy, a working document outlining principles and strategies to ensure that the activities, services and structures of the Tenants' Union are relevant and accessible to people of non-English speaking background.

The seminar was also designed as an opportunity for local Tenants' Housing and Referral Services (TAHRS) to report on the work they have been doing on issues affecting NESB tenants and discuss ideas for future action with other housing workers. Issues included: strategies to ensure the accessibility of services to a diverse migrant population (Canterbury/Bankstown TAHRS); the specific housing needs and experiences of NESB women (Eastern Suburbs TAHRS); Community consultation on NESB tenancy issues (Fairfield/Liverpool TAHRS or FLTAHRS); the housing experiences of newly arrived migrants (FLTAHRS); housing needs of elderly Chinese speaking people in the Cabramatta area (FLTAHRS); housing issues for the Filipino community and informal tenancies amongst NESB migrants in Sydney's west (Inner West TAHRS).

Below is a copy of a paper given by Eloise Murphy, the Migrant Development Worker for FLTAHRS, on Community Consultation and NESB Tenancy Issues.

Introduction:

In January, 1987 Fairfield/ Liverpool Tenants' Advice and Housing Referral Service employed a Migrant Development Worker on a short term basis to examine migrant tenancy issues and explore ways of making the service more accessible to tenants of non-English speaking background.

This paper is an attempt to document the project's successes and failures and generate some discussion amongst organisations on

the most appropriate way individual services and the housing sector generally can address the particular housing concerns of NESB tenants.

Background:

The Fairfield/Liverpool region has a population of approximately 250,000. In 1981, 20.8% of the population of Liverpool and 21.2% of the population of Fairfield were living in private rental accommodation.

The region is also characterised by a high migrant population. In 1981 -

*40.2% of Fairfield's population were born overseas. Of the total population, 33% were of NESB.

*24.9% of Liverpool's population were born overseas. Of these, 66.6% were of NESB.

Fairfield has the highest number of persons of NESB in the entire Sydney statistical division. It is also the most multicultural community in Australia, with 93 nationalities represented.

Since 1981, the proportion of NESB migrants has increased significantly with a marked increase in the number of refugees arriving from Vietnam, Poland and South America.

Income indicators for the region point to a large proportion of the population on low incomes:

*Fairfield, Cabramatta and Liverpool have the highest unemployment levels in NSW

*In 1985, Cabramatta CES figures revealed that 68% of total unemployed were of NESB.

Housing figures for the area are also alarming. In the Fairfield/ Liverpool area, where approximately 20% of housing is public housing stock, waiting times for a three bedroom house are between six and seven years. For those on public housing waiting lists the private rental market is the only alternative. However, during the last year, rents escalated rapidly (18% in Liverpool), and vacancy rates dropped to less than 1%.

Whilst these figures may be comparable with the inner city and eastern suburbs, they do not take into account the extremely high level of poverty in the western area. Many tenants in the Fairfield/Liverpool area are now paying in excess of 50% of their income in rent.

These indicators help give a picture of the tenant profile in the area - a region with a high proportion of people born overseas and newly arrived in Australia, high levels of tenants in the private rental market, and high levels of unemployment and people on low incomes. The coincidence of such factors indicates a high level of housing need.

When FLTAHRS was set up in June, 1986 a number of steps were taken in an attempt to make the service accessible to NESB tenants e.g. the employment of bilingual workers covering Cantonese, Mandarin, Vietnamese, Spanish, Portuguese and Arabic.

In FLTAHRS first six months of operation it became apparent that although NESB clients were suffering the same problems as other renters in the private market, there were a number of additional factors which made their situation more vulnerable. We felt such factors included:

1. NESB migrants tend to be over represented in low income groups and therefore experience high housing costs relative to income. Newly arrived migrants often face difficulty in covering establishment costs such as bond, rent in advance, connection fees, etc.

2. Limited supply of housing stock in the private rental market (vacancy rates of less than 1%), coupled with the inappropriateness of available stock, e.g. extended families have particular housing needs.



*As for accommodation for immigrants,
there is the Hilton, Sheraton or Menzies.
And don't forget to register at your local
CES Office!*

3. Lack of understanding of rights and obligations as tenants. Leases and other legal documents related to renting are not available in different languages. Further, language barriers make negotiations with landlords/ agents difficult, e.g. solving simple maintenance and repairs problems.

4. Lack of knowledge and understanding of housing services. Multilingual information is often not available and hence poor use is made of existing schemes and services.

5. Practices of real estate agents which often discriminate against migrants e.g. only advertising vacancies in English, reluctance to lease to newly arrived migrants if they have no references or are DSS recipients.

6. Overcrowding. Many newly arrived migrants are forced to share with relatives, particularly those under the Family Reunion Scheme.

7. High incidence of eviction amongst NESB tenants - usually the result of failure to pay rent or other legitimate breaches of the lease.

8. More established communities face problems related to appropriate accommodation for the elderly, e.g. lack of access to appropriate home care services, sponsored family members ineligible for government assistance for prolonged periods.

9. Long waiting periods for public housing makes renting the only option. If successful with DOH application, tenants may be forced to move to an area isolated from their established support networks.

The problems presented to FLTAHRS supported a basic hypothesis¹ that:

¹ A. Kondos & A. Messina - Migrants and the Australian Dream - A Preliminary Study of Migrant Housing Situations. School of Sociology, UNSW, May 1980 p.8.



NCOSS NEWSLETTER

i) migrants irrespective of their cultural background are disadvantaged in the housing field by virtue of their position in the Australian class structure; and

ii) that irrespective of their common class position, migrants are differentially vulnerable to difficulties and discriminatory practices in the housing field by virtue of their specific cultural backgrounds.

Community Consultation

With these factors in mind, it was decided that the Migrant Development Worker should run a series of public consultations on the needs/problems of NESB tenants in the Fairfield/Liverpool area in order to confirm our impressions of the major issues and identify any problems which had gone unreported. The aims of the meetings were to:

- * document the particular problems faced by NESB tenants
- * consult with local tenants on the most appropriate way to address these problems
- * form links with ethnic workers/groups in the area in order to plan and implement appropriate community education programmes and establish referral networks.

It was decided to run separate meetings in Fairfield and Liverpool to ensure greater accessibility and gauge whether there were any significant differences between the two neighbouring local government areas. It was also decided to attempt to canvass the views of a number of communities, again to identify any major differences. Priority was to be given to the more newly arrived groups as they tend to be over represented in the private market. The language groups covered were Vietnamese, Cantonese, Mandarin, Spanish, Arabic, Turkish, Khmer, Laotian and Assyrian.

Submissions were made to the Department of Housing and Fairfield and Liverpool councils to assist in funding the project. We were successful in our application to DOH and Liverpool Council.

Preparation for the Meetings

In preparing for the meetings, it was seen as essential to gain the support of bilingual and ethnic specific workers in the two areas - Firstly, in order to find out what they felt the key issues were, and secondly, to benefit from their expertise to ensure that the meetings were accessible and appropriate.

Being in an area with such a high migrant population and a well established network of ethnic workers, Fairfield is often seen as a reference point for consultation with ethnic communities by both government and non-government bodies. Liverpool, on the other hand, despite the fact that the number of migrants has increased dramatically since the 1981 census, is relatively under resourced in the area of migrant services. This meant that the degree and nature of the work that needed to be done in the two areas varied considerably.

In Fairfield, the local Migrant Interagency (MIA) proved to be one of the most important points of contact. The MIA is a particularly dynamic and active group, with meetings regularly attended by over 30 people. Besides having a basic information sharing function, the group is also an effective lobbying body both in the local and broader sphere. Given that this group was already well established, it was relatively easy to 'tap into' the network.

Discussions with workers in the area had indicated that housing was a particularly important issue in their day-to-day work.

Second to immigration and DSS enquiries, housing ranked high on their list of presenting problems. The most common sorts of housing problems had to do with applying for public housing, finding accommodation in the private market, financial assistance for bonds and rent in advance, maintenance and repairs and understanding the lease.

Workers were generally pleased to see the establishment of the TAHRs service in the area and indicated their willingness to support any community education initiatives undertaken. At the same time, however, they were not optimistic about a large attendance at the meetings. Workers also expressed concern with the whole concept of consultation noting that 'ethnic communities' were often asked to comment on various topics with very little feedback or benefit to them.

One of the biggest fears was always that the Fairfield meeting would be better attended than the Liverpool meeting as 'networks' were far more established in Fairfield. Gaining support for the project in the Liverpool area therefore looked to be more difficult.

In the past, a group of workers concerned about migrant issues had met in the area on a semi-regular basis, acting as an informal migrant interagency. The meetings were known as the 'Multicultural Access Group' (MAG), and one of its main functions was to address the question of access of local services to non-English speakers. When plans began for this project, the group had not met for several months and there appeared to be a general lack of interest in continuing with the group.

One of the major factors contributing to this appeared to be that the group did not have any clear aims and objectives, or directions for activities. It was going to be a time consuming and frustrating task to gain support for the tenancy project without the backing of an interagency structure.

After discussion with some of the original members of the MAG, it was decided to revamp the group using the consultations as a focus for attention. Invitations to attend the first meeting were sent to over 45 organisations and personal approaches were also made. Attendance at meetings gradually increased and the group began to identify other issues needing consideration, e.g. the effects of the transfer of the rent relief scheme. Eventually, the group renamed

itself the 'Liverpool Migrant Interagency' (LMIA), drafted a set of aims and objectives and held several planning meetings. The group now continues to meet on a regular basis with a clear agenda for action.

The support of two Migrant Interagencies proved to be an invaluable aspect of the consultations, both as avenues for distribution of advertising material and as a forum to discuss ideas on the practical aspects of running a meeting in eight languages. Many of the workers thought we were mad!

Publicity and Organisation

Publicity for the meetings was extensive and exhaustive. The channels of publicity included:

- * a leaflet advertising the date, place, purpose, etc., translated into 8 languages by our own staff and workers from Cabramatta Community Centre. 8,000 copies were printed and distributed to ethnic specific and generalist services throughout the region. Key services were targetted, e.g. AMES, CES, DSS, Westbridge Hostel, Intensive Language Centres, etc.
- * a multilingual poster was distributed to welfare agencies and other major meeting places, e.g. restaurants, shopping centres, etc.
- * community announcements in 8 languages regularly broad-cast on Radio 2EA as well as broadcasts on Radio 2WS and Radio 2GLF.
- * coverage in the local and metropolitan press to raise the profile of NESB tenancy issues.
- * press releases to over 25 ethnic papers.
- * liaison with ethnic workers to encourage them to inform individual clients about the meeting and to use informal networks to advertise.
- * letterbox-drops in the key private rental market areas in both Fairfield and Liverpool, mainly to high density apartment blocks.
- * personal invitations to tenants who had been previously assisted by FLTAHRS.

Organisational details were also complex. The shortage of venues in both areas made selection of a culturally appropriate venue difficult. In the end, two venues were chosen which were close to public transport

but not necessarily well known to all communities, as it was going to be impossible to get one venue to suit everyone.

Days and times were also issues for consideration as many groups had regular functions on particular days. Child care was another important issue. Whilst it was recognised that some NESB women would not be prepared to leave children in care, it was seen as essential to provide professional child care services by bilingual workers to any parents who would use it, to ensure that women could participate in the meetings. Local bilingual child care workers were employed for this purpose.

But by far one of the biggest organisational factors was the provision of interpreters. A decision had already been made that it would be more appropriate to run 8 separate groups in the one meeting, rather than having a central speaker and 8 simultaneous translations.

This model also had its limitations however because it meant that the interpreters would be acting as group facilitators as well as interpreters, and therefore would require substantial training in tenancy issues prior to the meeting. With this in mind, an attempt was made to provide two workers for every group, one to act as facilitator, and one to act as record keeper. 14 bilingual workers from a variety of government and non-government services in the area were approached to participate in the meetings, as well as our own bilingual staff. Various tenants advisors were also on hand to answer any questions.

Structure of the Meetings

In drawing up the agenda for the afternoon's activities, a number of factors had to be taken into consideration. These factors were dealt with in a variety of ways:

Problem: NESB tenants' general lack of understanding of how the private rental market works.

Resolution: Time was set aside to give an overview of how the system works and the major referral points.

Problem: NESB tenants are not accustomed to publicly stating their problems and therefore do not feel comfortable doing so.

Resolution: Confidentiality and individual follow-up were assured. Attempts were made to introduce the notion of 'rights'.

Problem: NESB tenants are often not familiar with group processes.

Resolution: The agenda was highly structured with detailed discussion points for facilitator and distributed at the meeting.

Problem: The difficulty of covering everything in the one session.

Resolution: Four page handouts translated into 8 languages.

Problem: NESB tenants feeling that there was nothing to be gained by participating.

Resolution: Stressed the importance of documenting major issues so that resources can be directed into this area.



The Actual Event - Major Findings

As can be imagined, the actual coming together of the various aspects of planning was a nerve wracking experience. Throughout the two months of preparation there was forever doubt as to how many people would actually attend.

Attendance at the meetings can only be described as disappointing - 15 tenants at the first meeting in Fairfield and 21 tenants at the Liverpool meeting.

The highest representation came from the Spanish speaking community with people from Uruguay, Argentina, Chile, El Salvador, Nicaragua and Costa Rica. Smaller numbers were present from the Chinese, Assyrian, Turkish, German and Fijian communities. The Lao, Khmer and Vietnamese communities were not represented at all.

In both cases, the Spanish speaking groups proved to be extremely useful for those involved and resulted in substantial follow-up with the FLTAHRS Spanish worker.

The results from the group discussions confirmed our impressions of the major problem areas. A number of key issues were highlighted however:

- * The extreme difficulties faced by NESB tenants, particularly the newly arrived, in finding accommodation in the first instance and the reliance on family and friends for support.
- * Discrimination against NESB tenants, particularly those who are DSS recipients in applying for tenancies.
- * The appalling standards and conditions which are tolerated in order to secure accommodation.
- * NESB tenants vulnerability to abuse as a result of not understanding how the system works, e.g. being forced to sign the bond claim form at the beginning of the tenancy.
- * Lack of understanding of the lease. In many instances, informal tenancy agreements were oral in the country of origin. For example this is a common practice in the Chinese community who do not like to 'make trouble' with friends or relatives. However, many problems do arise with informal tenancy agreements in Australia often resulting in considerable stress being placed on relationships.

* The myth of home ownership as the 'Great Australian Dream' is still alive and kicking. In many instances, this was identified as a priority above and beyond access to other essential social goals, e.g. health and education.

Where Did We Go Wrong? (Or Did We?)

In attempting to evaluate the project, I feel there were aspects of the planning that were completed in an appropriate and thorough manner, e.g. scale of translation and distribution of advertising material; organisation of interpreters; structure of discussion topics; ensuring local media coverage; child care arrangements, etc.

There were other aspects of the project however which do need to be considered more closely to determine whether they could have been approached in a more appropriate way. This is not to suggest that we necessarily proceeded without thought or adequate planning, but rather that now the project is completed we are in a good position to learn from our experiences.

Factors for consideration include:

- * **Advertising methods** Whilst it was essential to make use of as many advertising channels as possible, it was in fact the more informal methods which proved most successful, e.g. hearing about the meeting through a friend or the English teacher at AMES. Perhaps greater energy should be put into making use of such channels..
- * **Inappropriateness of venue, day and time.** Initially the strategy was to use a time and place which was neutral in an attempt to accommodate the range and diversity of the groups being targetted. In practice however the choice of an unfamiliar venue to many people may have served only to discourage or alienate people from attending.
- * **Attempts to cater for a number of different language groups in the one meeting.** The rationale behind this strategy was to try and make more efficient use of time and resources and try to gauge whether there were any significant differences between the different groups. Again in practice, this may only have served to confuse people who would not think the meeting was for their particular community. The enormous scope of the project also counteracted any benefits which may have been derived from economies of scale.

Therefore, whilst the meetings may have provided an opportunity to experiment with a different model, the risk did not really pay off. Projects targetted at individual communities would appear to be the way to proceed.

*** Goal of introducing some notion of 'tenants rights' and encouraging tenants to become involved in collective actions.** Many of the facilitators commented that most tenants had so little knowledge of how the system works or any conception of their rights as tenants, that they were not in a position to take up issues at a broader level or develop notions of rights. Obviously the widespread provision of basic tenancy information is the first priority for FLTAHRS. There also needs to be some discussion about whether the concept of collective action based on a notion of 'rights' is a cross-culturally appropriate and relevant strategy.

*** Too high expectations about the number of people likely to attend the meetings.** Local workers' experiences in organising similar events highlight that it is very difficult to get people from NESB to attend public meetings.

This is due to a range of factors: general lack of interest or experiences of meetings which fail to provide interpreters or multilingual material; fear of not understanding the content or not knowing anyone there and in some instances, a different understanding of the role and purpose of public meetings, often associated with how such meetings were perceived in the country of origin.

Workers also suggested that in this case, the problem may have been even more exaggerated by tenants' apprehension at speaking out against landlords/agents for fear of retaliation through eviction. These factors suggest that making use of existing audiences and structures may be a more effective model, e.g. running workshops in conjunction with English classes at AMES.

Follow up From the Consultations

There has been a substantial degree of follow-up work done since the consultations. The variety and depth of this work suggest that the project was worth running for this reason alone. Some of this work has been a direct result of the meetings and some is a result of the day-to-day operation of the service. Examples of this work include:

Follow up work with tenants who attended the consultations. In one case, this involved working with a group of tenants from the same block to get repairs done.

Continued contact with ethnic and bilingual workers in the area. There has been a dramatic increase in the number of tenants assisted in the last six months. (July-Dec. 1986 - 226 tenants; Jan-June 1987 - 615 tenants. 52% of tenants assisted during this period were from NESB).

Increased profile of FLTAHRS in the local area has resulted in a number of requests for our bilingual workers to run community education sessions.

Development of community education materials which can be used on an ongoing basis. Requests for this material have been received from other areas.

Continued participation in forums to discuss NESB issues both locally and on a broader level, e.g. Liverpool and Fairfield's Migrant Interagencies and the Ethnic Issues Sub-Committee of the Tenants Union's Board.

Membership - 23 people joined FLTAHRS as a direct result of the consultations. Since that time, membership has grown to 44. Organisation of activities for members and initiatives for increasing NESB participation in the management structures of the service have been identified as a priority. A newsletter is currently being produced in five languages.

Involvement in CEP program. After the consultations, negotiations were held with Cabramatta Community Centre to arrange for a Khmer worker from their CEP training program to come to FLTAHRS on a weekly basis for 9 months. Min has already run a successful information day for 20 Khmer tenants and plans are now underway to run a similar session for newly arrived Khmer refugees at Westbridge Hostel. The Migrant Development Worker has played a substantial role in supervising this worker.

Recognition of the level of resourcing required to adequately cater for NESB tenants in the local area. FLTAHRS continually attempts to gain recognition at a broader level of the need for adequate resourcing to ensure that the strategies employed do not become tokenistic.

Opening of outreach service in the Liverpool area - a second office was opened in Liverpool in July, 1987. The advertising and liaison which occurred for the consultations were extremely useful in raising the profile of FLTAHRS in Liverpool and generally publicising the existence of the new office.

Conclusion

Three major areas can now be identified as priorities for FLTAHRS:

1. Active involvement in forums to discuss and advocate on NESB issues in the local and broader area.
2. Continued involvement in community education initiatives with individual communities.
3. Development and expansion of FLTAHRS' membership base in order to provide a forum for collective action where appropriate, and to fulfil the service's objective of being an organisation which is representative of local tenants.

Thus, whilst the Community Consultations on the needs of NESB tenants in the Fairfield/ Liverpool area may have represented an experimental exercise in a number of ways, the planning and organisation of the meetings certainly resulted in substantial follow-up and developmental work which offers clear directions on how FLTAHRS should proceed in its attempts to service NESB tenants in the local area.

Eloise Murphy
Migrant Development Worker,
Fairfield Liverpool TAHRs



TENANTS UNION BENEFIT

In December, 1987 we held our first ever benefit - and what a night it was. About 300 people turned up to the Glebe Town Hall to dance the night away and show their support for the Tenants' Union.

Special thanks must go to the performers who so generously donated their time, and kept the crowd bopping until the wee hours. Our talented friends included the Skirts, Robynne Dunne Band, Mark Gillespie, members from the Castanet Club and the Mambologists. What an impressive line-up!

We hope to hold other events for members and friends in the future. Of course we're always on the look out for people to help with the planning, but we're also keen to hear your ideas on the sorts of events you'd been interested in attending (i.e. film nights, dances, picnics, etc.). Ring and tell us your ideas, or better still, offer to help.

Thanks to all the people who helped organise the Benefit night, and to all the people who came along - we hope to see you at future TU events.

TENANTS TURFED FOR TOURIST TARIFF

The old, sick, poor and not so poor are currently being evicted from the inner city for the anticipated tourist influx of '88.

The Inner Sydney Tenants' Advice and Referral Service and the Housing Information and Referral Service are currently working with over 500 tenants (and know of 300 more) who are facing eviction.

The hardest hit are the poor and elderly in boarding houses in Darlinghurst, Ultimo, Pyrmont, Surry Hills, Potts Point, Newtown and Moore Park. Between the years 1978-83 there was a 30% loss of boarding house stock and it is estimated that between 1983 and 1987 a further 30% has been lost.

This destruction of low income housing has been accelerated by the Bicentennial and its anticipated tourist fever. Too many developers are demolishing, renovating and outpricing former low cost housing to prepare for an as-yet-unknown number of rubbernecks. People who have lived in the same small rooms in Kings Cross for 25 years are being literally turfed onto the streets for the tourist dollar. There is no alternative accommodation left in the area, let alone for a comparable rent.

The 500 tenants evicted in the last six months of 1987 appear to have left Sydney, gone to outer suburbs, the streets or the city morgue. The displacement of disadvantaged people from their homes and community support networks must be stopped. However, the State Government has yet to intervene.

There are several legislative and other responses which the Government could use to stop or hamper this redevelopment:

1.Reinstate an elected Sydney City Council.

2.Encourage the proper use of section 90 in the Land and Environment Act which states that the social and environmental impact of a development must be considered in the approval process, i.e. the social effects on the tenants, the availability of comparable accommodation in the area, and the impact on the urban environment must be taken into account.

3.The Department of Environment and Planning can use its powers under the Environmental Planning and Assessment Act to implement State Environmental Plans to control developments or amend the State Environmental Planning Policy No. 10 (SEPP 10) to prevent redevelopment of low to moderate rental properties. This would make Strata Titling and the consequent owner-occupation more difficult.

4.The Minister for Housing could extend the 4D zoning area or apply it to particular boarding houses under threat. (4D stops the conversion of residential stock for other uses.)

5.Mr Walker could find a way to buy as many of the threatened boarding houses as possible.



Through a media campaign and by involving key unions we hope to convince the Government that immediate action is needed. It is becoming clear that hundreds of voters are being affected and hundreds more are concerned. Even Unsworth should eventually realise that it is an election issue of enormous import. The Building Workers Industrial Union and the Fire Engine Drivers and Firemen's Association have given their support to assist three boarding houses already. Along with other unions such as the Miscellaneous Workers Union, the PSA, Wharfies, etc., they have taken the matter up with the Minister for Housing and await a response from the Premier.

Things are really hotting up and we're certainly optimistic that some pre-election pay-offs are in the pipe-line. Meanwhile hundreds of tenants hit the streets or hang in a stressed-out limbo awaiting their fate.

Beth Jewell, Inner Sydney Tanancy Advice & Housing Referral Service, December, 1987.



STOP PRESS:

Since this article was written the Labor Government moved to amend SEPP10 so that all Boarding House development must be approved by the Minister for Housing. While it is good to see some Government action on the issue, this measure alone is not enough to protect tenants from eviction and ensure the continued availability of low-income housing in the inner city. We can only wait and see what position the Liberal Government will take on the issue of boarding house development and the protection of low income housing in Sydney...

FAIR GO ... FAIR RENT*

It's no secret that Sydney tenants are amongst the hardest hit when it comes to rent levels. Although there has been a lot of noise about this over the last couple of years, nothing seems to have eased our ever increasing rental burden. As wage and benefit levels remain static, or fall in real terms, we must dig deeper to meet the rents demanded in Australia's most inflated rental market.

The official rent level figures released by the NSW Department of Housing reveal a dramatic picture. In the September quarter in 1987, the average rent for a three bedroom property in the metropolitan area was \$188 per week - an increase of 6.8% on the previous quarter. This compares with \$105 per week, or an increase of 1.0% in non-metropolitan areas. In the same quarter, the average rent for a two bedroom property in the metropolitan area was \$147 per week (+ 5.8%) and for a one bedroom property \$110 per week (+ 3.8%). In non-metropolitan areas the rent levels on two and one bedroom properties respectively were \$85 per week (+ 1.2%) and \$63 per week (+ 1.6%).

In the metropolitan area the greatest increases were recorded in the inner Sydney region, particularly in the South Sydney area. South Sydney recorded increases in excess of 10% for the quarter in one, two and three bedroom properties. No doubt this is no surprise for many of the tenants in this area - Bicentennial rent increases and evictions have been steadily increasing over the last few months.

In the non-metropolitan areas both the New England and South Coast districts recorded increases of around 5% in three bedroom properties, while one bedroom properties jumped an average of 8.5% in Wollongong.

With rent levels reaching those outlined above, clearly tenants must start demanding some relief from the crippling prices.

The Tenants' Union, in conjunction with a number of other housing and welfare groups involved in Campaign Action for Rental Reform (CARR), are pushing for amendments to the (yet to be enacted)

Residential Tenancies Act (1987). Although the groups have identified a number of problems with the new legislation, the issue of spiralling rents is the most critical one facing most tenants.

Six monthly rent increases are now the rule rather than the exception, with many tenants having difficulty paying the steep hikes. The simple fact is steps must be taken to contain rent levels if people are to continue to afford to pay the rent.

The groups have been conducting research into options for containing rent levels. While many people misunderstand and misrepresent the idea of rent regulation, some form of control is needed to provide a fair balance in the landlord/tenant relationship.

Although largely ignored in recent debate on the "housing crisis", rent regulation and rent control have quite a long history in NSW. A form of rent control has been in place in NSW since the Fair Rent Act of 1915, and has been amended a number of times since then, most recently through the Landlord and Tenant (Amendment) Act 1986. The 1986 legislation prevents the creation of new protected tenancies and automatically decontrols premises once existing tenants leave.

Although not advocating a return to the 1915 Act, the Tenants' Union and CARR are pushing for amendments to some sections of the new legislation so it will be fairer for tenants. Only minor changes are needed to make the legislation more acceptable to tenants.

The first step must be to limit rent increases to no more than once per year. This would allow landlords to review their costs on an annual basis, while at the same time guaranteeing tenants some relief and security in knowing their rents would not be increased every three to six months. Such a step would only require a simple change to Section 45 of the new legislation.

Other changes to the new legislation which must accompany this move include a review of the factors which the Residential Tenancies Tribunal can consider in determining rent applications. The most crucial change required in this section is to remove the level of market rents for comparable premises in the locality, or a similar locality, as a factor in determining an excessive rent increase.



At present market rents are used as the benchmark in determining excessive rent applications, and as a result most tenants have failed to gain satisfaction with the RTT. This is borne out in the figures for the Tribunal's first year of operation, when it heard 225 cases and only 28 tenants were successful in having their increases ruled excessive. Until this factor is removed from consideration, the Tribunal will continue to provide little satisfaction for tenants.

New factors also need to be added to this section. These include the rental history of the premises, and a new clause making the merits of each case a factor in assessing the application, including the provision for tenant hardship to be taken into account.

The new legislation must also contain provisions requiring landlords and real estate agents to lodge notices of a rent increase with the Residential Tenancies Tribunal. Once lodged, the RTT should have the responsibility for informing the tenant of the application and of their right of appeal against the rent increase.

This provision is designed to overcome the present difficulties associated with the period of notice required for a rent increase and to ensure tenants are aware of their right of appeal.

At present, many tenants remain unaware of the requirement for landlords and real estate agents to give 60 days notice of a rent increase. Even more distressing is the significant number of calls received by the Tenants' Union from tenants with complaints that their landlord or real estate agent has

failed to give them the correct period of notice (or, in some cases, any notice at all). Often when tenants try to enforce their rights by insisting they receive 60 days written notice, they are issued with a notice-to-quit for their efforts. This practice is becoming increasingly common.

If applications for a rent increase were lodged with the RTT, and the RTT was responsible for informing the tenant, these problems could be overcome. It would also ensure tenants were aware of the RTT and their right of appeal.

The final change which is vital is for the onus of proof in RTT cases to be with the landlord. At present, the onus of proof lies with the tenant, i.e. the tenant must prove a rent increase is excessive.

This places tenants at a significant disadvantage as they must be responsible for the gathering of all evidence, including comparable rents on comparable premises, and must prepare their case and present it without the assistance of an advocate (except in special circumstances). Landlords are often represented by their real estate agent at the Tribunal and these people have considerably more experience in both the workings of the Tribunal and the property market than the average tenant.

Were these changes to be adopted by the Government, tenants would have some relief from the present situation. Limiting rent increases to once per year, removing market rents as a factor in assessing excessive rent applications and placing the onus of proof on the landlord so that they would automatically be required to prove that a rent increase was NOT excessive, would make life much fairer for tenants and still enable landlords to make a reasonable return on their investment.

Here's hoping that things will look a bit brighter at the end of 1988 than they did at the end of 1987. Of course, any changes will only happen as a result of hard work and pressure from tenants to make tenancy laws fairer.

Michelle Strickland

**Since this article was written, the election of the Liberal Government places the whole future of the Residential Tenancies Act (let alone a fair rents policy) in jeopardy. Join the Tenants' Union now and help fight for tenants' rights in NSW. Ph: 27-3813.*



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CARAVAN PARK TENANTS*

People have been residing permanently in moveable dwellings (MDs) long before the caravan park industry started making huge profits. In NSW it is estimated that up to 100,000 people live permanently in caravan parks and yet until 1 December, 1986 it was illegal to live permanently in caravan parks in NSW.

It may be legal to live permanently in caravan parks now but MD tenants still have none of the limited rights that even tenants in houses and flats have. In caravan parks evictions, rights to repairs and maintenance, privacy, etc. rely entirely on the whim of the park manager.

Although the Government is yet to make any official announcement, it seems likely that caravan park tenants will be covered by the 1987 Residential Tenancies Act *if and when it comes into operation*. After consultation with United Campers and Caravaners Association (part tenants), the Caravan and Camping Industry Association (the industry group), the Tenants Union, Shelter and relevant government departments, policy staff in the Department of Consumer Affairs made recommendations to the Minister that caravan park tenants be covered by the Act with various modifications. It appears that the Government will proceed on these recommendations - if re-elected!

What follows is a brief explanation of these recommendations:

Definition of Premises

The Act includes moveable dwellings and the site for MDs in the definition of residential premises. The definition is extended to include everything provided with the premises for use by the tenant.

This means that the manager would be responsible for repairs to MDs and sites and for maintaining amenity blocks and other common areas and facilities. The tenant would be responsible for notifying the manager of any damage to the moveable dwelling or the site.

Who is Covered

The Act will only apply to permanent park residents. If a tenant sublets ie assigns their lease to another tenant, then that tenant is covered by the Act. The Act will not apply to holiday makers or to people who have permanent weekenders.

The modification suggested by the Department is that, unless the parties make a residential tenancies agreement at the start, the tenant will not be covered by the Act until they have been in the park for one month. The Department argued that this period was necessary for both parties to enable the tenant to assess the suitability of the park and for the management to assess the suitability of the tenant.

This means that unless the management agrees to make a lease with the tenant, the tenant will have no protection at all for one month. In that first month, park managers will be able to evict without going to the Tribunal and continue to rule parks as they want.

Clearly, this is unacceptable. While the idea of allowing tenants time to decide if they like both the park and the management has merit, to leave these people without rights for one month is not the solution.

The regulations will prescribe a separate standard form lease for caravan park tenants. This will be a modified version of the lease for houses and flats. Park rules can be incorporated into the lease as long as they are not inconsistent with the Act.

Access

The regulations will modify the R.T. Act access provisions to allow access by the proprietors to do maintenance and repairs which do not affect the particular tenant but other park residents e.g. water or drainage pipes which create problems on other sites.

Visitors Charges

It is a common practice in caravan parks to charge the tenant for any visitors who

stay with the tenant. The Department originally proposed to allow such charges only after a specified period of stay. However, this proposal was withdrawn and the final position is that visitors fees may be charged provided that the fees are clearly indicated in the additional terms of the lease.

Urgent Repairs

The procedure to be followed by a tenant seeking urgent repairs to common facilities will be set out to avoid the problem of a number of tenants arranging for the work to be done. The proposal is that tenants be required to post their intention to carry out repairs on a park notice board.

The owner will have the opportunity to nominate particular trades people in the lease. If available these trades people should be used.

Notice Board

The lease will be required to provide a noticeboard which is accessible to tenants at all times.

Park Rules

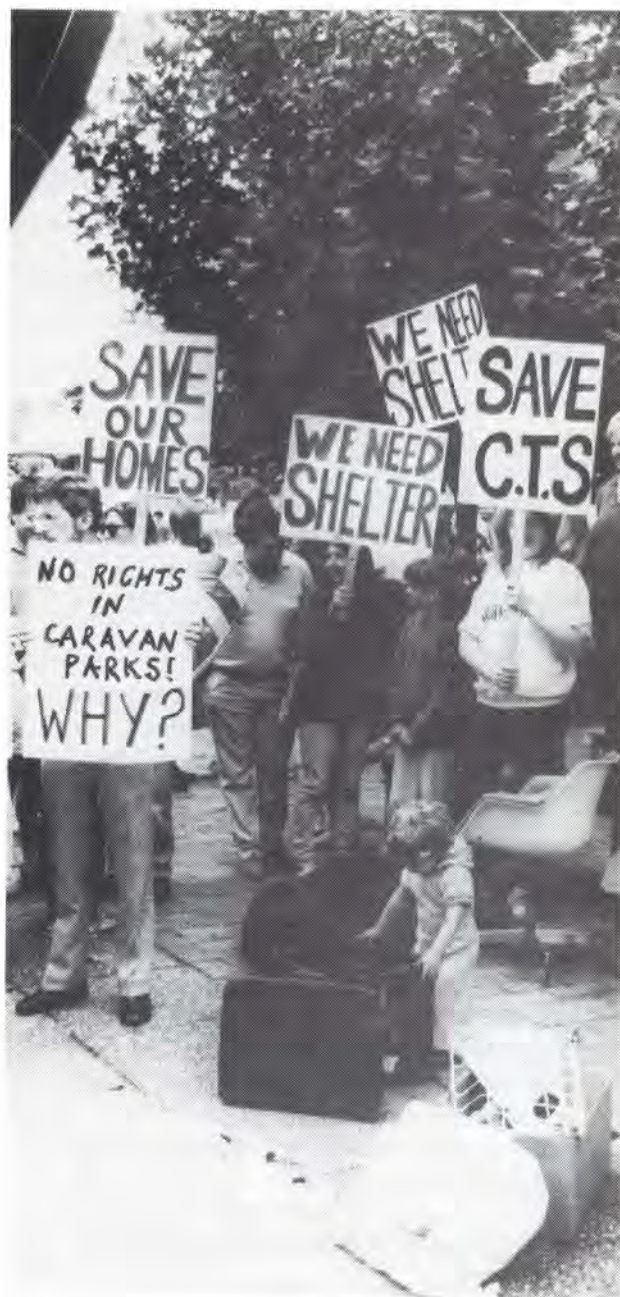
Park rules may be put into the additional terms of the lease and will bind the tenant as conditions of the lease as long as they do not conflict with the Residential Tenancies Act, any other Act or with the terms of the standard form lease.

Reservation Fees

The Regulations will prohibit reservation fees in excess of one week's rent. This will apply to caravan park tenants as well as tenants of houses and flats. There is a practice in parks for people to 'reserve' a site for some time before actually occupying the site. Often half the rent is charged during this period. This will be considered as a enforceable residential tenancy agreement rather than a reservation fee and be covered by the Act.

Enforcement of Warrants & Abandoned Goods

Regulations will provide for the removal, disposal or sale of MDs where they are abandoned or where warrants are executed to enforce an order for possession.



**Since this article was written the election of the Liberal Government has placed the future of this legislation in jeopardy. If you think that all tenants, including caravan park tenants, should have some protection under law join the Tenants' Union and help fight for tenants' rights. Ph: 27-3813.*

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YOUR RIGHTS AS A TENANT IN NEW SOUTH WALES

To check that the information in this booklet is still current
phone the Tenants' Union Hotline 251-6590

Prepared by the Tenants' Union
of NSW Co-Op Ltd,
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Ph: (02) 27-3813

We gratefully acknowledge the assistance of
the LAW FOUNDATION OF NSW in producing
the first edition of this booklet.



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MILLERS POINT 2000

27-3813 SYDNEY.

Dear Friends,

The Tenants Union is currently looking at ways to involve our members more closely in the day to day activities of the Union.

We feel that it's very important to have a strong tenant movement if we are to effectively push for fairer laws and conditions for tenants.

Below are some of the ideas which have been suggested. What do you think of the ideas? Do you have any other suggestions? Please take five minutes to look through the list and send the form back to us with comments.

- | | Yes | No |
|---|--------------------------|--------------------------|
| * Stalls at markets selling T-Shirts and giving tenancy advice | <input type="checkbox"/> | <input type="checkbox"/> |
| * Street groups of tenants to discuss and act on local issues. | <input type="checkbox"/> | <input type="checkbox"/> |
| * Training tenants in tenancy advice | <input type="checkbox"/> | <input type="checkbox"/> |
| * Large groups of tenants who are prepared to demonstrate outside Parliament when housing issues are being debated. | <input type="checkbox"/> | <input type="checkbox"/> |
| * A tenants' week, with public forums, entertainment and the launching of material on tenancy issues. | <input type="checkbox"/> | <input type="checkbox"/> |
| *Joining our Sub-Committees (e.g. Employment, ethnic issues membership) | | |
| * Other suggestions you may have. | | |

.....
Like any other union, ours is only as strong as its membership and YOU have a vital part to play.

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