

tenant **NEWS**

No 44 FEBRUARY 1992

BURNING ISSUE



"The Property Developer Banishes the Innocent Creatures from Paradise."



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ENTRANCE BY- ELECTION

January 1992 saw the Tenants' Union of NSW at The Entrance.

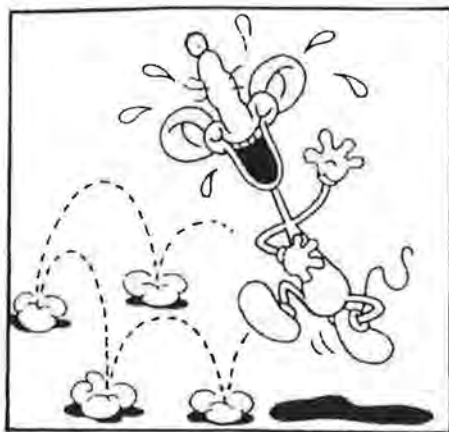
12 staff and volunteers handed out and letterboxed 5,000 leaflets in the week before the election.

The leaflets explained the record and policies of the major parties and candidates, from the point of view of tenants' interests.

We targetted public housing, caravan parks, and other areas with higher numbers of tenants.

Thanks to PAVTA (Park and Village Tenants' Association) for their assistance.

The result was a good one for tenants.



SCHIPP'S 'JOY - RIDE'

On January 10, the Sydney Morning Herald ran an article titled 'Not Schipp-shape after dam trip'. The same story received newspaper and radio coverage.

Mr Schipp and his brother used a Water Board speed boat for what Pam Allen (Opposition Environment spokeswomen) termed a 'private joyride'.

The public is prohibited from taking boats out on Warragambah Dam. Mr Schipp said his holiday boat trip was an 'inspection'.

He had just finished a 10-day holiday with his family at a Warragambah cottage, available only to MPs and VIPs.

The Australian Service Union has black-banned the boat, until the Minister promises not to use it unless accompanied by a Water Board officer.



SUPREME COURT WIN

Last Christmas Eve, public tenants in NSW received a present. The Nicholson family won a landmark decision against the Department of Housing in the NSW Supreme Court.

The case was about a 'no-cause' eviction by the Department. There have been a number of these recently.

PIAC, the Public Interest Advocacy Centre, took up the case as a test case for public tenants. Andrew Haesler was taken on as legal counsel.

Justice Badgery-Parker ruled that the Nicholsons had been denied natural justice when the Department gave them an eviction notice but gave no reason for the eviction.

This decision should mean that the Department can no longer give 'no-cause' terminations to public tenants.

Although the Department has said it may appeal the decision and will continue such evictions under section 58 of the Residential Tenancies Act.

During the case, the Department argued that it did not have to give reasons when evicting because it was "a purely administrative decision".

But this was clearly rejected by the Supreme Court Justice, who quoted the current Chief Justice of the High Court:

"...when an order is to be made which will deprive a person of some right or the legitimate expectation of a benefit, (they are) entitled to know the case...against (them) and be given the opportunity to reply to it."

The Sydney Morning Herald reported the case and its importance on January 23.

RETALIATORY EVICTION

Paul Mortimer

In November, Jana Wendt's 'A Current Affair', on TV Channel 9, reported a case: a group of elderly permanent caravan park residents on the North Coast. They were being evicted.

They had applied to the Residential Tenancies Tribunal for an order to say that a recent rent increase was excessive. These people owned their caravans, but rented the sites.

The day before the Tribunal hearing they all received 60-day 'no cause' Termination Notices.

Of course, moving caravans that are not mobile is an expensive business, but move they did. In not way, they were not too unhappy about this, as the park owner was not considered to be particularly reasonable.

Residents remaining said that if they complained about anything they might be evicted also. They were probably right. The park owner declined to discuss the matter with 'A Current Affair's,' camera team and reporter.

This was clearly a 'retaliatory eviction', as defined in the Residential Tenancies Act. Thus the Tribunal could have ruled against the Termination if the tenants had decided to fight it.

Unfortunately, 'A Current Affair' did not make this point.

The Tenants' Union rang the 'A.C.A.' reporter who did the story, and she gave us the following interesting information:



*Dear God, is there
security after tenancy?*

Those tenants knew full well that the eviction was retaliatory, but had no confidence that the Tribunal would rule against the Termination.

In a previous case these same tenants had given help to another tenant who took a clear case of retaliatory eviction to the Tribunal.

The tenant had been trying to enforce their rights when they received an Termination Notice.

But the Tribunal member dismissed the application and made the comment "now you know what its like to be a shop steward".

This comment indicates that the Member recognised that the tenant had been victimised, but still allowed the termination.

'A.C.A.' noted in the story that the tenants wanted some much-needed reform to these laws.

The full story indicates that some of the practices of the Residential Tenancies Tribunal are also in urgent need of reform.

LIBERALS DROP BOARDERS AND LODGERS BILL

Paul Mortimer

On December 11 last year, the NSW Minister for Housing withdrew his Boarders and Lodgers Bill from State Parliament.



This is despite the Greiner Government saying it will pass laws to protect Boarders and Lodgers, as recommended by the Chelmsford inquiry.

The Government was influenced by the hotel lobby.

They wanted the bill changed, so that someone must live in a hotel for 6 months before they become a permanent resident, protected by the proposed law.

The ALP and Independents insisted on only 90 days. They had earlier requested 60 days.

The Minister, Mr Schipp, refused to negotiate and said that unless the ALP and Independents gave in, he would withdraw the Bill.

The ALP and Independents decided to hold their ground. They considered the Liberal's Bill to be very weak, giving boarders minimal rights.

The Government and Tony Windsor had already defeated most ALP and Independent amendments in the Lower House. (These amendments would have made the Bill much fairer).

Then Fred and Elaine Nile supported the Government to defeat the remaining amendments in the upper house. The Niles supported the hotel lobby.

The ALP and Independents reasoned that if Schipp would not budge on even minor amendments, then Schipp could withdraw the Bill and it would be on his head.

It is possible that the Independents or ALP will introduce a new and much better Bill this year.

We hope that they are able to do this soon. The difficult part may be getting it past the Niles in the Upper House. That is, if the Niles continue to support the Liberal Party and the hotel lobby.

ANNUAL GENERAL MEETING

The Annual General Meeting of the Tenants' Union will be held on Monday March 23 at 6.30pm.

It will be held at 68 Bettington St, Millers Point.

All members of the Tenants' Union are invited to attend.

After the formalities, we will present our Tenant of the Year Award (see article in this issue). The more formal side includes our annual report, which tells members what we have done over the last year.

All financial members can stand for election to the Board. The Board manages the Tenants' Union and makes decisions about what we do during the year.

There will be drinks and snacks at the Palisade Hotel afterwards. We hope to organise some entertainment as well.

Hope to see you there.

FEES DUE

Sorry to mention this, but your 1992 Tenants' Union membership fees are now due.

Please note that we only send the 'Tenant News' to financial members.

The form on the back of Tenant News sets out our standard membership fees. They are of course very reasonable.

They can be paid through the mail by cheque. Some people like to pay cash on the night of the A.G.M.



CHANGE TO MEMBERSHIP FEES

A new scale of fees (Annual Service Charge) will be recommended to the AGM. The proposed scale is:

Individuals:

- Salaried: \$15/year
- No Salary: \$ 8/year

Organisations: \$30/year

Also, new members will have the cost of their shares (\$1 each) deducted from their fee.

This last measure is so that new members and renewing members pay the same amount.

New members must buy a share. This led to confusion as new members had to pay slightly more in their first year.

The increase in membership fees for individuals was needed to cover the cost of mail-outs, etc.

Organisation's fees have been reduced to make them more affordable at a time when many community-based organisations are feeling the pinch

ARTICLES DEADLINE

All members are invited to write articles for Tenant News.

The deadline for the June issue is May 12.

Post them to the Tenants' Union at 68 Bettington St, Millers Point 2000, or Fax to (02) 252 1648.



NEVER TOO LATE...

Sean Brennan
Inner City Legal Centre

Our client was a Department of Housing resident. She is a sole parent with two children under 4 years of age, both of whom suffer from chronic health problems.

The Department sought orders for termination and possession on the basis that the tenant owed approximately \$230 in rental arrears.

After one adjournment because of illness the matter was heard in the clients absence, and orders made for termination and possession to take effect 14 days hence.

The client applied to the Tribunal to vary or set aside the orders under s.110 of the Residential Tenancies Act.

The Registrar refused the application, stating that she was not satisfied there were reasonable grounds for the client's absence.

On the day the order for possession took effect the client approached Inner City Legal Centre for assistance.

Telephone discussions with the Department of Housing suggested there was little hope of their agreeing to her remaining in the premises.

We discovered that the next day the Department of Housing had applied for a warrant for possession. We therefore only had about 24 hours to prevent her eviction.

The client explained that the reason she was unable to attend the hearing was that she had been required to attend a police station to go over the evidence she was to give the next day in a hearing of an assault charge.

Our client was the victim of the assault and had been in fear for her safety ever since.

We faxed an urgent application to the Tribunal seeking:

1. an order under s.85 of the Act that enforcement of the termination and suspension orders be stayed (i.e. stay the issue of the warrant)
2. an order under s.110 to set aside the order for termination and possession (another try at a s.110 application).

We argued that her preoccupation with the assault proceedings, the requirement to attend the police station on the relevant day and her own poor health constituted reasonable grounds for her absence on the day the Tribunal made its orders.



Mabel and Fang
thought they were
all alone at the R.T.T.



WHEN
SUDDENLY
FROM THE
SKYCAME...



Further, we argued that if the matter was re-listed, important evidence not previously before the Tribunal would be presented (such as the disruptive effects of the violence on our client's life and evidence about the health and welfare of her young children and the impact an eviction would have on them).

We attached to the application a lengthy letter containing submissions, as well as several medical certificates and reports, documents relating to the assault trial and a letter from the Department of Community Services describing the client's difficulties (obtained after we contacted the relevant District Officer).

Issue of the warrant was stayed and then we were informed that the s.110 application had been granted and a hearing set down for the following week.

We were required to summons a police officer to give evidence on the reason for our client's absence from the Tribunal hearing.

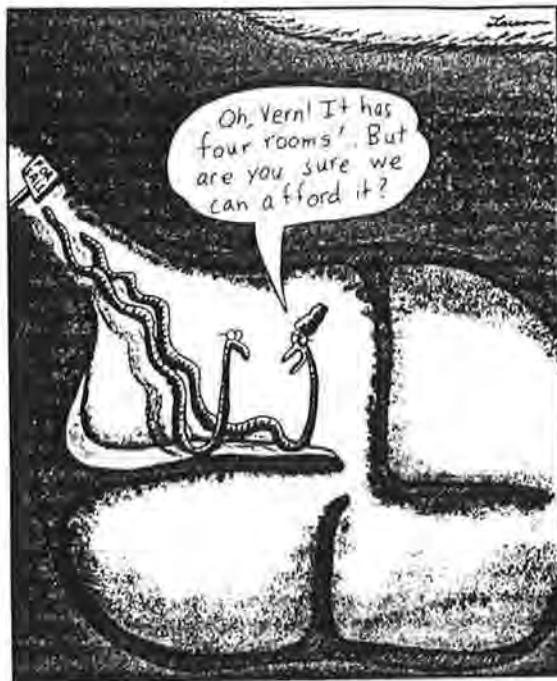
On the day of the hearing, outside the Hearing Room, the Department of Housing officer (who had a supervisory position) immediately suggested that the matter could be settled..

This was rather a different message from what we'd received previously. In the event, consent orders were made setting aside the orders for termination and possession.

Our client was required to pay rent in a timely fashion, as well as paying off the arrears by instalment.

The Department was given leave to request the urgent re-listing of the application for termination and possession orders should a breach occur within the next 8 weeks. Most importantly, the client and her children were able to remain in their home.

So, even if the landlord has already applied for an issue of a warrant, and the Registrar has already refused an application to set aside an order for possession, it may not be too late to stop an eviction.



Tapeworms in a cow's stomach

RENTING UNDER GST

The Federal Liberal Party's proposed General Services Tax (GST) would affect tenants.

Bills for utilities such as telephone, gas and electricity will have an extra 15% GST added to them by the Liberals. These bills are paid by tenants, so the burden of the new tax will fall on them.

Fortunately, rents for tenancies of 30 days or more will be exempted from the proposed tax. But people renting short-term, such as in hotels or motels, will have to pay the tax.

Also, of course, income tax cuts for high income groups will be paid for by cuts to services. These cuts will hurt the low income groups very hard. They include attacks on social security benefits, public housing and legal aid.

Let's hope that the ALP can get this message across to the Australian electorate.

AN INDEPENDENT VIEW

Fred Dagg a.k.a. John Clarke
From his book, 'The Complete
Dagg' 1989.

There is a great deal of publicity being given at the moment to an outfit called The New Right.

This is because the Old Right (who tend to own such trinkets as radio and television stations, magazines, newspapers and other items covered by the Not Nailed Down Legislation) have decided to stimulate debate in order to keep the Government on its toes while the trapdoor is oiled and the shadow cabinet is fitted into a landing craft.

I was a foundation member of the New Right and have been involved in the development of much of the New Right philosophy. I reluctantly left the movement in late August following an internal wrangle over the colour of the tunic and the insignia on the hat.

However disappointed I may have been by what was, for me, a watering down of our original aims, I nevertheless still share many of the ideas and aspirations I see being broadcast through our official outlets.

That said, I note with mounting concern an apparently wilful failure in some quarters to fully understand what we are saying. I blame education for this, and I'll tell you something for nothing; when we get in again, the loonies in the teacher unions will hit the ground running.

I heard a schoolteacher the other day on a radio program about children (for Christ's sake) saying that every school anywhere in Australia should be able to provide a good standard of education.

To which my response is 'No thank you very much, indeed. Begging your pardon, but we don't live in Russia (pause) not yet!' I digress, I'm sorry, but education was one of my areas of responsibility, and I won't abide cant.

In essence, the philosophies of the New Right are based on a recognition of the value of the individual and an abhorrence of anything that stands in the way of the individual, such as unions, bureaucracies, taxation, regulation or other individuals.

I can perhaps best illustrate this by example. We favour the introduction of university fees, although I forget why, because obviously only the wealthier type of individual will be in attendance.



We oppose land rights on some very sound basis that just eludes me for the moment, and we favour uranium exports to France because of a wide range of factors.

We favour the idea of people working for the dole because it provides a sense of dignity for the people for whom the people on the dole are working, and it gives the unemployed an opportunity to work without contributing to anything approaching a wages explosion.

There is absolutely no need for a Commission for the Future because we favour uranium exports to France, and we question the alleged 'right' of single mothers to benefits from the state.

If we start giving way to one group, pretty soon we'll have the taxpayers' money being used to help bloody near anyone who needs help! This defeats the very purpose of taxation, which is to find ways of reducing taxation.

I might say, while I've got you all here, that these views are not simply those of a small group outside the mainstream of Australian politics.

The Liberal Party contains many of our leading lights, the Labor Government is implementing some of our more imaginative suggestions and although I appreciate that many people find it necessary to deplore us loudly at dinner parties, I think we are all sufficiently grown up to know what's really going on and I hope as many of you as possible can make it to the barbecue on the 15th.



REMEMBER: THIS IS A GREAT COUNTRY

TENANT OF THE YEAR

The Tenants' Union has nominated Hugh Sheerin to receive our 1992 Tenant of the Year Award.

Hugh is a public tenant in Newcastle. Through the Public Tenants Regional Council he learnt that the Department of Housing was evicting tenants and giving no reason.

One case involved a family of two parents and four children in Tamworth, who were given a 'No Cause' Termination Notice in January 1991.

Hugh and the Gateshead West Public Tenant Action Group (his local group) mobilised support for this family. Finally, the Department of Housing agreed not to evict them and even granted a transfer.

By this time the case had been on the front page of the local newspaper, and in the letters section; Legal Aid was taking the case to the Supreme Court, and the local tenant group and unions in Tamworth were involved.

There had been a great deal of correspondence with the Department and Minister of Housing. Hugh had also involved Redfern Legal Centre and Western Sydney Tenants Service.

The award was given because Hugh went out of his way to help other tenants. He wasn't employed to do this, but he had the ability and saw that these people needed support.

The presentation will be held at the Tenants' Union AGM on March 23. Congratulations and thanks to Hugh for his hard work.



SOME 'SUSPENDED TERMINATIONS' SUSPENDED

Sue Creek and Paul Mortimer

The Residential Tenancies Tribunal has said it will not give 'Suspended Terminations' if the tenant is not present at the hearing, or if the tenant does not agree to a 'suspended termination'.

But it may just give a normal 'Termination'.

It had become common for the Department of Housing to use 'suspended terminations' to pressure tenants into paying back-rent.

The Department in some regions has been going straight to the Tribunal when public tenants are more than two weeks behind in rent.

They asked for a termination and have it 'suspended' for a few weeks. The tenant must pay the back-rent in that time or be evicted.

Such practise causes unnecessary stress and hardship. It is much more appropriate for the Department to negotiate or seek money orders.

The Tribunal will no longer suspend or place conditions on an order if the tenant is not present.

Instead, where the tenant is not present, the Tribunal will generally order that the tenancy be simply terminated, without a suspension.



Where the tenant *does* attend the hearing, the Tribunal will still give suspended termination orders if the tenant wants to stay and agrees to the conditions for repaying the rent.

The tenant can negotiate with the Department over the repayment terms.

If the tenant does not agree to a suspended order, the Tribunal is unlikely to make a such an order. Instead, the Tribunal would generally just terminate the tenancy.

Of course tenants can ask for extra time to move due to hardship.

So tenants are stongly advised to attend the hearing. Otherwise they risk fairly quick eviction.

NEW LAW TO STOP AGENTS CREDIT CHECKING

Steve Wettenhall
Tenant News (Vic. TU) Nov. '91

Being subjected to a credit check is a common experience for tenants applying for rental accommodation.

New legislative amendments should make this a thing of the past.

Changes to the Commonwealth's Privacy Act will prevent estate agents obtaining information about a prospective tenant's credit history from central databases kept by credit reporting agencies such as the Credit Reference Association of Australia (CRAA).

Currently, agents who are members of CRAA have access to information about a tenant's creditworthiness.

This information includes details of overdue payments and defaults obtained from banks, retailers, finance companies and other credit providers.

Agents use the credit 'reports' to assist in deciding which

tenant would be least likely to be a 'bad payer'.

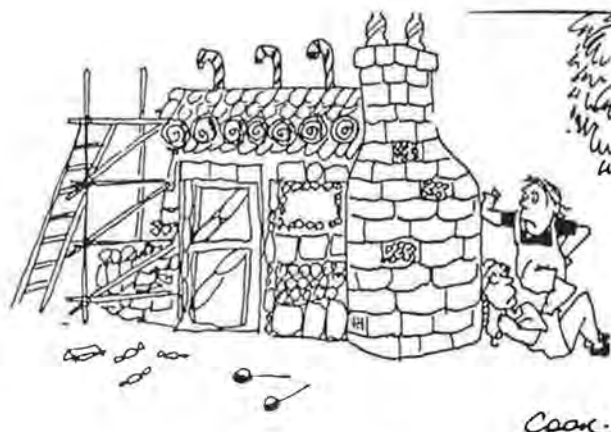
Tenants Unions lobbied the government to introduce the new law to protect tenants from unauthorised and irrelevant use of their credit histories (see Tenant News No. 38).

Under the first amendments which came into force in September 1991, you have the right to inspect your credit file and demand amendment if any details are inaccurate, out of date, incomplete or misleading, free of charge every six months.

Only information which is relevant to your creditworthiness may be kept by a credit reporting agency. You must be notified in writing if credit is refused on the basis of a credit report.

Other important amendments commence on 25th February 1992.





From that date it will be illegal for non credit providers (i.e. real estate agents and landlords) to obtain access to any credit information on you held by credit reporting agencies. Agents and landlords risk a \$30,000 fine for doing this - unless you have agreed to them getting this information!).

CRAA is the largest credit reporting organisation in Australia. To inspect their credit file on you, write to CRAA, 90 Arthur Street, North Sydney 2060.

If you wish to make a complaint or obtain further information, contact the Privacy Commissioner, GPO Box 5218, Sydney, NSW 2001, or ring the Privacy Hotline toll free on (08) 023985

NEWTOWN FAIR

In November, Newtown had its biggest Annual Fair yet, and the Tenants' Union was there.

T.U. Board Members and staff spent a great day giving out hundreds of stickers and leaflets, giving people advice, signing up new members and flogging T-shirts.

Basically a very successful day, and we are planning more stalls in 1992. Any members interested in helping out should ring the T.U. office.

Many thanks to Newtown Neighbourhood Centre for organising the Fair.



OTHER STATES' NEWS

Queensland

Queensland now has 20 one-person tenancy advice services, established by the ALP government. These are trained and resourced by the Queensland Tenants' Union.

Their main office is in Brisbane, with the equivalent of five full-time workers. They recently established a branch in Cairns with one worker to resource services in North Queensland.

A major focus is tenancy law reform. They participate on the Residential Tenancy Review Committee, which is working on recommendations for significant law reform.

Victoria

Victoria's Tenants' Union has a main office in Fitzroy with 12 workers. It has three metropolitan branches at Northcote, Footscray and St Kilda with two or three workers each.

The branches place greater emphasis on case work, while the central office emphasises resource development, resourcing services, education, policy and administration.

There are independent specialist services at Geelong and Morwell. Also, many other independent organisations throughout Victoria offer tenancy advice; these are resourced by the TU.

A recent success was a campaign and demonstration to

stop tenants being charged electricity bonds.

A.C.T.

The Tenants' Union does not have its own premises yet, but provides tenancy advice in the A.C.T. Just recently, a rental bond office was opened in the A.C.T., and the Tenants' Union is on the advisory board.

Western Australia

The Tenancy Advice Service in Perth has been lobbying about a report involving tenancy laws, to be tabled soon in W.A. Parliament.

They are also concerned that the State Government has frozen funds in building societies. These contained bond monies belonging to several thousand tenants.

Tasmania

The Tenants' Union in Hobart reports that Tasmania has high vacancy rates and low rents. But still no reforms to tenancy laws yet. They are still trying to negotiate these

A development is that a lay person can now appear for tenants before the Small Claims Tribunal in Tasmania.

TRAINING WORKSHOPS

The Tenants' Union is running its next round of Tenancy Advice Workshops in April-May.

The dates are:

**Wednesday 29th April
Friday 15th May
Tuesday 26th May**

They are being held at the State Library

We also hope to run a workshop in the Newcastle/Hunter region

*For more details, ring the
Tenants' Union office on:
(02) 247 3813*

Porkalina was a very well informed pig...



NATO LEADS THE WAY

Gareth Owen
Tenants Union of Victoria

Whilst the Warsaw Pact crumbles and leaves the North Atlantic Treaty Organisation triumphant, landlords and estate agents are marching on, which leaves the challenge ahead for the National Association of Tenant Organisations.

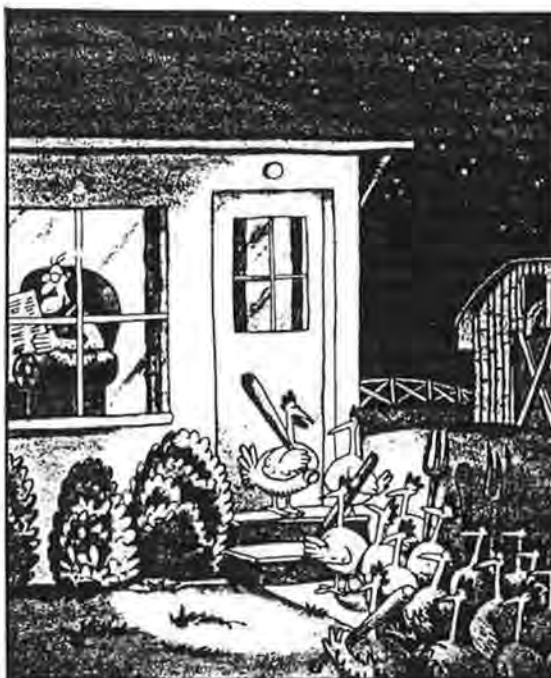
NATO has been in existence in one form or another since 1984, its principal aim is to unite Tenant Unions throughout Australia, share information, work together and seek Federal and State Government action where appropriate.

In 1990, NATO was provided with around \$7,000 by the Federal Government to produce a report on tenancy laws throughout Australia.

The report, 'Leaking Roofs and Legislation', proved to be ground breaking and has provided the inspiration for much of the National Housing Strategy's approach to the private rental market and landlord/tenant legislation generally.

At present there are constituent members of NATO in every state and territory; Tenants' Union of Queensland, Tenants' Union of Tasmania, Tenants' Union of A.C.T., Tenants' Union of N.S.W., Tenants' Union of Victoria, Tenants' Advice Service of W.A., Shelter South Australia, Darwin and Alice Springs Shelter.





"Again? Why is it that the revolution always gets this far and then everyone just chickens out?"

Since the publication of 'Leaking Roofs and Legislation', there has been an acknowledgement of the need to recognise tenants, particularly private tenants, by the Federal Government.

This was further recognised by a standing committee of the House of Representatives that looks into those community organisations funded by government.

As a consequence of this NATO is seeking Federal funding to enable it to employ one and a half members of staff.

Such a secretariat function won't change the world, obviously, but it will allow NATO to support those state and territory organisations that are not funded or receive very low funding. It will also enable tenants to have a clear voice at a Federal level advocating on their behalf.

FUNDING INCREASE

The Tenants' Union has had its funding increased by \$28,000. Rejoice.

All of our funds come from the Legal Aid Commission, and its about half State and half Federal money.

Our first move was to offer our staff permanent employment. This was not possible until now as we have been running at a deficit.

We are now looking at our options, but it looks like most of the money will go to maintaining our normal level of operation. Up until now has not met our costs.

BUREAUCRATIC NIGHTMARE FOR AGED RTA TENANTS

David Dobell, Blue Mountains Legal Centre

Many aged pensioners who rent their house through the Roads and Traffic Authority (RTA) are being put through a bureaucratic 'wringer' in an effort to avoid drastic rent increases.

In one case known to a legal centre the rent jumped by 40%.

The RTA has for some time been trying to put their aged pensioner tenants on the same footing as aged tenants of the Department of Housing (DOH) tenants.

Aged pensioner RTA tenants previously paid a lower than market rent, but not as low as they would be paying if they were a DOH tenant receiving a rental rebate.

The RTA hoped to arrange for the Department of Housing to take over these properties. It appears negotiations failed and the Housing Department refused to take over the properties.



However, aged RTA tenants were to be eligible for a rental rebate, provided they applied for public housing. If they failed to apply their rent was to go up to market rent.

If they applied for public housing and a rental rebate and were subsequently offered accommodation, they must take it.

If they did not take the offer, they lost the rebate and end up paying market rent.

The legal centre is aware of a housebound tenant in her 80's with terminal illness who is suffering such an ordeal.

Having lived in the same RTA house for 8 years and because of her condition, she was reluctant to leave and so did not apply for public housing. Her rent went from \$80.00 to \$110.00 per week for some months.



Realising that she could not afford to pay such rent she decided to make a housing application and lodged a rental rebate form. Her rent was reduced to \$54.00 a week. This is when the bureaucratic nightmare began.

Every time a pensioner's rent changes, they are required to notify the Department of Social Security. They then change the total pension by increasing or decreasing rent assistance.

Rent assistance is only paid to private tenants whose rent is over \$25.00 a week. According to Social Security, RTA tenants are eligible for rent assistance as private tenants, whether or not they receive a rental rebate.

Social Security then reduced her rent assistance based on the new lower rent. With a new lower pension, she was required to lodge another rent rebate form.

Once she finds out her new rent, she will have to go through the same process again.

This is unnecessary stress for a woman of her age and condition. What started out as something aimed to help aged tenants has gone off the rails.

People who have lived in the same house for a long time and don't want to leave are being unnecessarily penalised. If they don't apply their rent goes up substantially. If they do apply they have to go through this ridiculous process.

All Departments involved should sort out their differences promptly. Further, the RTA should give all aged pensioner tenants the option of staying where they are without having to pay a vastly increased rent.

If you are an RTA tenant in a similar predicament, contact the Tenants' Union or Blue Mountains Community Legal Centre on 047 -82-4155.

REFUGES AND NEW AWARD

Community welfare workers in NSW are now covered by the Social and Community Services Employees Award. This is a big step forward, but there are a few snags.

Award wage rates mean that some organisations must spend much more on wages to run their services. This is the tricky bit. The NSW Government is not keen on coming up with the extra money.

It has come to a head recently with youth refuges running out of funds. Most notably the Young People's Refuge in Marrickville.

The government says they must 'restructure', which means cut services.

Refuges point out that they need additional funding to operate a viable service. Otherwise they will be forced to close.

So far there has been significant media coverage, a demonstration, and a ban on accepting referrals from the Department of Community Services or people under 16.

Before Christmas, refuges were given enough money to last to January; the

government was afraid of closures and homeless young people over Christmas.

The government still insists that services 'restructure'. But the Minister has said that he will increase resources if a service can show that all options have been exhausted.

At present there is still a stalemate, with the Australian Social Welfare Union and Youth Accommodation Association trying to pressure money out of a stubborn government.

Meanwhile, Community Tenancy Schemes are having a very hard time. Last year the Department of Housing was giving only 2 months' funding at a time while it did a 'review'.

This made it nearly impossible to operate. The Department has finally agreed to give 6-months' funding at a time, but not all projects have got this yet.



LETTER

Dear [Editor],

I thank you for the recent newsletter. In regards to lack of prosecutions at the Tribunal.

I feel that I can add a few reasons for this. As you stated maybe a lot of tenants don't want/or don't know how to go about legal action.

In my job at St Vincent de Paul (Welfare), Redfern, I meet a lot of people who are or have had trouble with landlords, agents and DoH officers.

One case in particular which could easily be prosecuted at the Tribunal and/or in a Court of Law is as follows.

A particular client of ours who is a grand mal epileptic pays \$120 a week for a room, she shares with her de-facto, who also pays \$120 weekly!

The premises are unsafe, unhealthy, and I feel [they] are being ripped off (in fact I know).

The premises have no lighting at night (outside), filthy showers and toilets etc, the list goes on. [She] has been assaulted at least 6 times that I know of (twice by the owner!) which she has reported to the police, to no avail. [She] is looking at a DoH flat tomorrow.



I have advised [her] to contact the Tenants' Union but she has not. [She] is only one of many cases I have heard of and seen.

When I mention the Tenants' Union, the majority of people don't know about it or the tenancy laws. Maybe a bit of media coverage?

Yours sincerely,
Peter Maguire

RELETTING FEES

Source: 'Residential Tenancies
Update', Dept. of Housing
Tenancy Service

When a tenant leaves before the end of a 'fixed-term' agreement, they are liable to pay a share of a reletting fee and advertising costs.

This is as well as rent up until a new tenant is found. Although the landlord has to get in a new tenant as quickly as possible.

The Residential Tenancies Tribunal has a new formula to decide what a tenant can be charged.

If a tenant leaves during the first quarter of an agreement, they're liable for the full reletting fee. After the first quarter, what the tenant must pay is gradually reduced. Every quarter, the proportion is reduced by a quarter.

The reletting fee is charged by the agent. Its normally a half weeks' rent, but can be more, depending on the length of the agreement and whether an agent normally manages the property. If no agent is used, there is no reletting fee.

Similarly, if a landlord does the advertising for a new tenant, the outgoing tenant is must pay a share. The same formula is used.

CAMPBELLTOWN SERVICE: ON HOLD

In the last 'Tenant News' we reported that a new tenancy service was to be set up in Campbelltown.

Unfortunately, that service has been put 'on hold' by Burnside. Burnside is a part of the Uniting Church, and is the organisation proposing to fund the project.

The delay is apparently because Burnside's budget has blown out in other areas. The service will not be set up until half way through this year at the earliest.



NOTICE OF AMENDMENTS TO RULES

The following proposed amendments to the Rules of the Tenants' Union of NSW Co-op Ltd will be put to the Annual General Meeting on 23 March 1992, 6 pm., at 68 Bettington Street Millers Point.

Proposed Amendment (1).

" That Section 15 (b) of the rules be changed to read:

'An annual service charge may be determined by members of the Annual General Meeting for students, social welfare recipients and other individual members not exceeding \$20, and for organisations not exceeding \$40.' "

Reason: This will allow a proposed service fee change (to \$15 for salaried individuals and \$8 for non-salaried), and a small further fee increase in the future should it be necessary.

Note that any fee increase still has to be separately approved at an AGM.

Proposed Amendment (2)

" That Section 13 (b) be amended to read:

' Individuals who are not tenants, and organisations which are not organisations of tenants may be accepted as members; but their number together with that of members who have ceased to be tenants shall not exceed fifteen percent (15%) of the total membership.' "

Reason: At present, this section states that non-tenant and organisational members had to be approved at an Annual General Meeting.



The proposed amendment deletes that requirement, so that they can now be approved at the monthly Board Meetings.

The Tenants' Union usually has only one General Meeting every year, i.e. its AGM. This means that non-tenants and organisations have had to wait up to a year to have their membership approved. This is administratively clumsy and is off-putting to these applicants.

Proposed Amendment (3)

" That Section 39 (e) of the rules, which reads:

" At least four of the directors or alternate directors and no more than nine of the directors or alternate directors shall be an accredited representative of a Tenants Advice and Housing Referral Service ' be deleted. "

Reason: Tenancy Advice and Housing Referral Services have been defunded.

YES I want to join the Tenants' Union of NSW

Name _____

Address _____

Postcode _____

Telephone (h) _____ (w) _____

First language _____

Please tick

☐ New membership

☐ Renewal

Are you a: ☐ Tenant

☐ Home Owner

☐ Other (specify) _____

FEES

Membership runs from 1 January to 31 December. New members can pay half fees after 30 June. New membership fee includes cost of share(s).

YEARLY FEE

Tick the fee that applies

New Member Renewal

Pension/Benefit/Student

☐ 6

☐ 5

Waged Worker

☐ 11

☐ 10

Organisations (by income)

less than

\$30,000

☐ 45

☐ 40

\$30,000

\$50,000

☐ 75

☐ 70

\$50,000

\$100,00

☐ 85

☐ 80

More than

\$100,000

☐ 105

☐ 100

Donation

\$ _____

I enclose

\$ _____

Signature _____

Date _____

Return to: Tenants Union, 68 Bettington Street
Millers Point 2000

OFFICE USE ONLY

Service Fee _____ Shares _____

Donation _____

Receipt No _____ Membership No _____

TENANT'S HOTLINE
251 6590
for advice and assistance
Monday to Friday 9.30am - 5.00pm

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Friends

to Join the

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