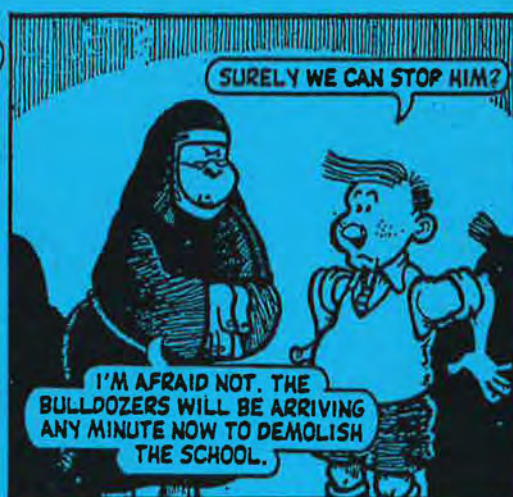


# tenant NEWS

NO. 47 MARCH 1993

SERIOUS ISSUE



## ■ I N S I D E ■

Department Under Review

Olympics: Games we shouldn't play

What the federal coalition planned

Technology park

Estate agent's ethics and discrimination



The Tenants' Union of NSW 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.

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  
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## CONTENTS

TENANT NEWS NO 47  
MARCH 1993

Department Under Review	1
Fees Due	3
Lazy Landlords	3
Games We Shouldn't Play	4
Olympic Issues	6
Agents' Code of Conduct	7
Opposition to Technology Park	8
Tribunal Suicide and Security	9
Carr's Homefund Plan	10
Rents Still Stable	10
Close Shave	11
A Matter of Taste	11
Handbook Launch	12
Illegal Additional Terms	13
Workshops	13
Tribunal Video: A Critique	14
Never Say Die	16
Migrant Project Report	17
Rent By Circumstance	17

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# HOUSING DEPARTMENT UNDER REVIEW

Sue Creek

**Over the past twelve months, the NSW government has commissioned several inquiries into areas which fall within the housing portfolio.**

The most recent two have been conducted by John Mant, a Sydney lawyer, and former head of the South Australian Housing Trust and advisor to the Whitlam government on urban and regional development.

## **Mant Inquiry I**

This investigation was commissioned in mid 1992 in the face of growing concern about the Homefund 'cheap' loan program, the findings of the Gyles Building Industry Royal Commission which was critical of the Department of Housing's construction program, and the Auditor General's Report on public housing construction.

### **The terms of reference covered:**

- the policies, operations and management of the Department of Housing;
- the impact of the Commonwealth State Housing Agreement on the Department; and
- meeting the government's housing objectives and changing the culture of the NSW building industry.

After approaches made by Shelter NSW, the Inquiry agreed to hold two half-day community sector consultations, followed by a meeting with representatives from tenant organisations.

In these forums, the Tenants' Union - whilst outlining many problems with how the Department is currently operating -

expressed support for a viable public housing sector.

We also stressed the need for clear accountability mechanisms within the Department and the community sector, as well as the importance of access to independent appeals mechanisms for public tenants.

Mant's report was released in November last year. In the government's press release, Premier Fahey stated 'there can be little doubt that there is a need for significant change within the Department if we are to meet the needs of the community, and shorten the public housing waiting list.

'The agenda must be on more housing options, better value for the taxpayer's dollar and a clearer focus on services to public housing clients. The whole point is to house people effectively in ways that suit them...'

**The Report was highly critical of the Department's policies, administration and lack of responsiveness to regional needs.**

### **Key recommendations included:**

- the focus of the Department to shift from building and construction towards meeting housing needs;
- a major restructuring of the Department;
- delivery of rental housing through semi-autonomous, highly self-contained regional offices;
- multi-skilled teams (responsible for 1200-1500 dwellings) to provide management and support services; and
- land development and retail activities to be placed on a commercial footing.

The government announced that a Task Force (with some community representation) would be established to assess and implement the Report's findings.

## Mant Inquiry II

In December '92, the government announced the second Mant Inquiry, this one focusing on the role and functions of consumer protection agencies within the housing portfolio.

These include the Rental Bond Board, the Residential Tenancies Tribunal, the Tenancy Commissioner, and the Department of Housing Tenancy Service.

The terms of reference of this Inquiry included:

- the appropriateness of the objectives of the customer service bodies;
- the effectiveness and efficiency of the bodies in meeting their objectives;
- any duplication, gaps, or conflicts in services provided; and
- the nature and purpose of funds held by the Rental Bond Board.

The Tenants' Union co-ordinated a submission tendered by the Tenancy Legal Working Party (a joint sub-committee of the Tenants' Union and the NSW Combined Community Legal Centres Group).

A recurring theme throughout the submission was the problems tenants face getting access to the services provided by the various bodies. The major points made in the submission included:

- *Rental Bond Board:* RBB funds should be primarily used for initiatives which benefit tenants directly, including the funding of community-based tenant advice and advocacy services. (At the moment, funds are predominantly used for home-ownership programs and non-targeted rental accommodation).

In order to be more responsive to the needs of tenants, a person representing tenants' interests should be appointed to the Rental Bond Board.

- *Residential Tenancies Tribunal:* to overcome the difficulties faced by tenants with the RTT, a range of access issues needs to be addressed including granting tenants the right to be represented, and the provision of after-hours hearings.

The composition of the Tribunal needs to better reflect the community at large by, for example, having more non-lawyers and women as members. Members also need to be encouraged to be more sensitive to the needs of non-English speaking or other disadvantaged tenants.

Tribunal decisions need to be recorded and made publicly available.

- *Tenancy Commissioner:* the Commissioner needs to be independent of the Department of Housing and to shed her/his other roles (such as Strata Titles Commissioner).

The Commissioner needs to be more active in exercising her/his power to take up public interest cases or represent tenants before the Tribunal.

- *Department of Housing Tenancy Service:* needs to be independent of the Department of Housing and the recorded message phone service needs to be discontinued during office hours.

**We await the release of the second Mant Report with much interest.**

If you would like a copy of our submission to the inquiry, just drop us a line and enclose a cheque for \$5 to cover postage and handling.

## MEMBERSHIP FEES DUE

Please note that your 1993 Tenants Union membership fee is now due. Fees are listed on the back of Tenant News and can be sent to the Tenants Union office, 68 Bettington Street, Millers Point 2000.

Photocopy the form at the back of Tenant News or just send us a cheque with a note telling us what it's for.

Tenant News can only be sent to financial members (or subscribers) and you must be financial to vote at the Annual General Meeting.

## ITS OFFICIAL: LAZY LANDLORDS

Rented houses are twice as likely as owner-occupied houses to have electrical and plumbing faults, wall cracks, pest infestation, peeling paint, salt damp and holes in the floor.

This is according to a housing survey by the Australian Bureau of Statistics (ABS), as reported in the Sydney Morning Herald last December 4. The ABS looked at 13,000 households.

Of course, Dr Hewson has said you can tell rented properties by their appearance. But he failed to point out that the reason for this is usually because landlords are neglectful.

It is the landlord's legal responsibility to keep the premises in 'reasonable repair.'

The report also showed that Sydney tenants face the nation's worst rental conditions.

For example, 51% of Sydney tenants had problems with pest infestations, compared to only 30% of Sydney home owners. In other cities the distribution was even.

Also, in Sydney comparatively fewer tenants intended to buy a home within the next year. Sydney's high property prices put home ownership beyond the reach of many.

41% of private renters intend to move within the next year, and 75% of tenants have experienced some major problem to do with renting.



# THE GAMES WE SHOULDN'T PLAY

Marion Studdert  
Member of 'Greens in Lowe'

**There are many reasons why Australia shouldn't host the Olympic Games in 2000, but there has been no serious public debate during which the objections to hosting the Games could be aired. Here are some of the disadvantages of hosting the 2000 Games.**

## Too Costly

At a recent meeting in Concord West, our local State Member, John Murray, announced that \$30 million was being spent on merely supporting the bid for the Games.

This money is being used to advertise, to host inspection groups and to sing the praises of the Homebush Bay site. Ask yourselves just how many individuals have a share in this \$30 million; what sort of useful work is it engendering and how could it be better spent?

Hospitals? Schools? Public housing? Environmental repair? Finance for one of the many brilliant inventions that we so often find being taken up by overseas interests?

The probable cost of hosting the Games is currently said to be in the vicinity of \$2 billion. For this, our most lasting "asset" would be a sporting and entertainment complex "similar to Darling Harbour".

Why on earth should Australia, with its huge land mass, cities separated by distance and with its comparatively small population, need *two* such complexes within twelve kilometres of each other.

According to a report in the Sydney Morning Herald (December 10, 1992) "The taxpayer paid about \$1.09 billion for Darling Harbour and will continue to

pay in excess of \$90 million a year under existing arrangements". We don't need yet another costly area where people simply walk about, and have to spend a lot of money for food and entertainment.

## What Jobs?

A frequent justification for hosting the Games is that it will create jobs. Certainly there will be a lot of workers needed to prepare the site, buildings and infrastructure. But after that there will be little ongoing employment.

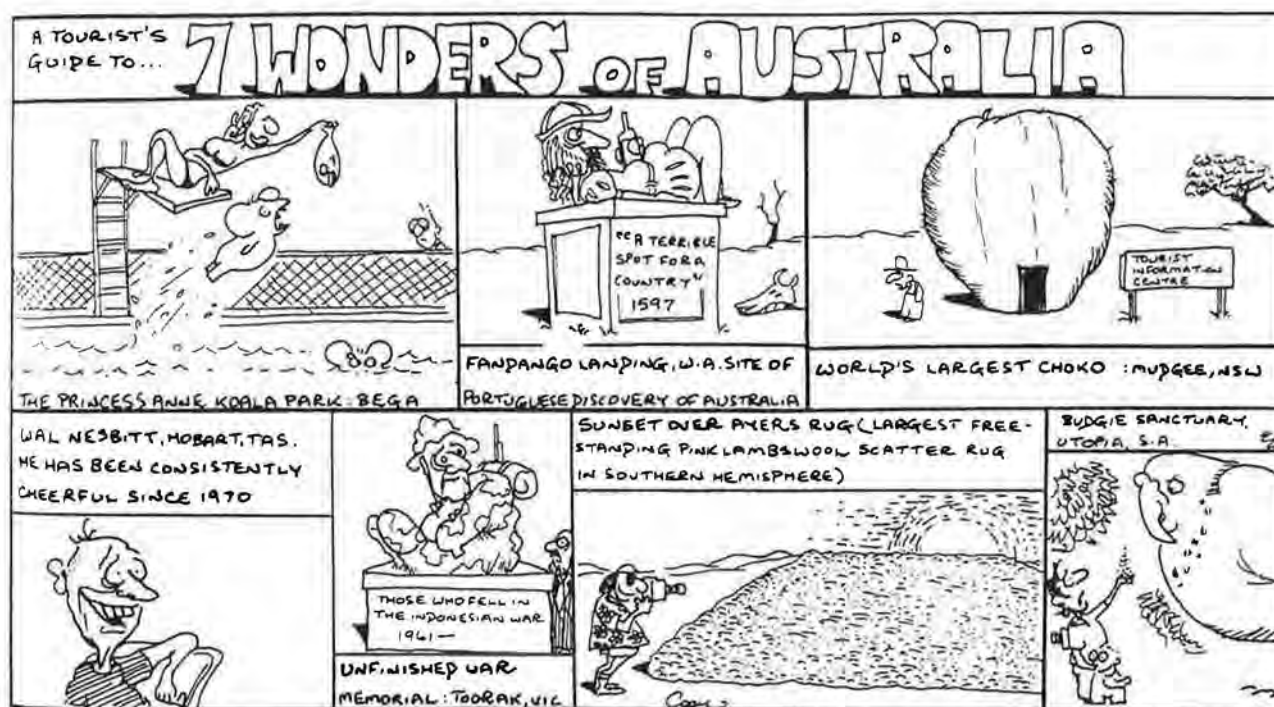
John Murray reported there will be 4,000 *volunteers* working at the Games sites and around Sydney, providing transport, information and tour guide assistance. These people will provide at least one volunteer for each team as well as another for driving. They will be expected to have a second language and will live with the team.

He said there will be 30,000 other volunteers selling tickets, and one wonders where these 34,000 volunteers will come from. Will they be unemployed or will they be expected to use their vacations for such work, or will employers be expected to release them?

## What Spectators?

Seventy percent of the people attending the Barcelona Games were Spaniards! Our remote location on the globe could lead us to assume that something like eighty percent of the spectators out at Homebush Bay will be Australians.

And it will undoubtedly be an expensive outing. As John Murray said, "Don't go to the Olympics unless you have a few bob in your pocket".



It is hoped that overseas spectators coming here from the Games will spend more time in Australia as tourists. This does not seem to be a very cost effective way of encouraging an industry of doubtful value to us. Tourism has proved to be very damaging to the environment in many part of the world, including Australia.

It is not desirable to have a high number of our young workers employed in service industries - a much wider choice of occupation is needed. We need to develop manufacturing industries, food processing, high tech industries. We need to get back the skills we had in this country just a few decades ago.

We have a large enough population and sufficient natural resources to be far more self supporting - \$2 billion dollars spent on setting up industries to make this possible would go a long way towards releasing us from much unprofitable and job-destroying international trade. (Why is it such a sacred cow?).

### Bread and Circuses

Ancient Rome, at the time of its decline, was famous for its bread and circuses, used to keep the population fed and entertained in a period when there was growing social unrest. The Games are a bit like that.

When millions of people are starving and impoverished, and when no country is free from some degree of militarism, social injustice and environmental damage, it seems to us to be a time when simpler forms of entertainment and athletic competition are needed.

The big efforts should all be directed, at this time, towards the provision of life, liberty and the pursuit of happiness for those who are hungry, poor and living miserable lives. In the context of the present state of the world's people, the Games are an inappropriate luxury.

## OTHER OLYMPIC ISSUES

Paul Mortimer

**The location of the 2000 Olympic Games will be decided around September '93. There is considerable popular support in Sydney for the Games to be held here.**

Supporters include governments, business, unions and sections of the environmental lobby.

**Public criticism of the Games Bid could damage its chances of success. Therefore, it is almost certain that there would be a backlash against anyone who mounts an anti-Games campaign.**

**Nonetheless, the following points are worth considering:**

- The Games would most likely have a bad effect on low-income tenants and housing. This happened in Barcelona (Olympics), Brisbane (Expo), Fremantle (America's Cup) and elsewhere.

Brisbane saw low-income (largely Aboriginal) housing demolished to make way for Expo.

Fremantle had many tenants evicted and made homeless by sky-high rents, and replaced by America's Cup spectators.

Barcelona's old character was significantly changed, and 'undesirable' locals were actually rounded up and removed to other cities, so as not to offend visitors.

- There is doubt that the Sydney Olympics could run at a profit. Barcelona will be paying its Games off for years, and the '96 Atlanta Olympics are already finding it difficult to get adequate sponsorship.

The Games would cost around 2 billion dollars to stage. In all probability, Sydney and the NSW Government would be left with a huge long-term debt that taxpayers would have to carry.

- One final point is that the Olympic Games themselves are of dubious value.

They reinforce the world dominance of wealthy nations over poorer ones, as rich countries can fund and train full-time athletes to win medals, giving them a big advantage over competitors from less affluent parts of the world.

The result is often little more than displays of nationalism with nation medal tallies, national anthems and flag flying galore.



# ESTATE AGENTS' CODE OF CONDUCT

Nick Warren

**The Real Estate Institute of Australia (REIA) has formulated an 'Equal Housing Opportunity Code of Conduct' as their response to concerns over discrimination by agents.**

The impetus for developing the code came from the Human Rights and Equal Opportunity Commission (HREOC) as part of a three year Community Relations Strategy under the National Agenda for a Multicultural Australia. This Strategy aims to reduce intolerance and discrimination in a range of priority areas, of which housing is one. They approached us when the idea of the code was first considered.

**We recognised the need for action in this area, but said from the start that laws were needed, and that a voluntary code was very much a second - best option.**

Our submission described the widespread discriminatory practices of estate agents, the lack of adequate legislative protection to tenants and the need for both an educational strategy and credible sanctions for any code to be effective.

**In summary, the Articles of the REIA code state that agents will:**

- Ensure all clients are given equal access to property listings, rental property details and services.
- Not publish or display discriminatory advertisements.
- Not discriminate when assessing applicants or asking for information from applicants.
- Respect privacy of clients, and not pass on information without their consent.

- Make sure tenants are aware of their rights and responsibilities when renting.
- Ensure dispute settlement procedures are non-discriminatory and provide equal opportunity.

While the Tenants Union welcomes the Real Estate Institute's involvement in this important issue, we remain unconvinced about the effectiveness of voluntary codes and industry self-regulation.

**Many of the provisions are expressed in such general terms that agents may be able to comply with the code while still acting in a discriminatory manner.**

When complaints are made, it will be estate agents judging estate agents and only undisclosed "disciplinary action" to enforce compliance.

While ethical agents and owners will follow this code, sixteen years dealing with thousands of tenancy cases convinces us that a voluntary code with no statutory base or clear penalties will not make unscrupulous agents and owners change their behaviour.

These shortcomings are made even more severe if prospective tenants do not know of the existence or detail of this code. Will real estate agents be publicising the details of their code? Will tenants be given copies of the code as a matter of course? Will credible outside groups be invited to assist the REIA with judging complaints of code breaches?

The REIA have stated that they will be monitoring the implementation of the code and are eager for feedback on its impact. Mr Doug Miell, Deputy Executive Officer, REIA, is the national industry contact for the code and can be contacted on (06) 2824277.

**The Tenants Union will continue to assist people experiencing discrimination when renting, and we are interested to hear of any cases. We will raise the code's shortcomings with the REIA**

# TECHNO PARK - OPPOSITION MOUNTS

Source: *Inner Voice* - Spring 1992  
Issue, produced by the Inner Sydney  
Regional Council for Social Development.

**Opposition to the proposed Advanced Technology Park (ATP) at Redfern has gathered momentum with the release of the City West Draft Regional Environmental Plan for the Eveleigh Goods Yard site.**

The Plan, which is the second of a three-part planning assault on surplus government lands in the inner city, has outraged many residents in that the ATP appears nowhere in the publicly displayed documents. These refer instead to a 'residential-business' zone.

**When the Department of Planning held two public meeting in November to discuss the plan, residents let forth their anger at the ambiguous nature of the public information and demanded a moratorium on the ATP until further studies are carried out.**

Over 100 people, from residents to railway workers, attended the Public Meeting on the City West Plan on Monday, 30th November.

The issues raised were many and varied, with the overall feeling being one of total opposition to the Advanced Technology Park proposal. Koori groups had a separate meeting on the following Thursday.

The main issues raised at the first meeting were:

- \* the perceived southwards thrust of the Central Business District
- \* traffic and transport problems
- \* the height of the development over the railway station, ie. too high

- \* the 'what if's': What if the ATP proposal is NOT economically viable? What will it mean for the community if it does not go ahead? What does the zoning provide for? What if a shopping centre gets up - or it turns into office space?
- \* housing is the most acceptable alternative to the ATP
- \* in terms of employment, concern over the SRA's plans for its own land
- \* despite the reduction in proposed onsite carparking (1,900 down to 1,000), questions were raised as to whether the total number is 1,000 or 1,000+
- \* other transport issues included the need to have something up front for the SRA to effectively re-open the western end of Redfern Station, and the present inadequacy of bus services

While there was much debate about the history of decision making on the site, the meeting concluded with two resolutions:

One calling for a 5-year moratorium on the ATP until a whole range of further studies were carried out and assessed

The second seeking the return of planning powers to South Sydney City Council

**The second meeting with Koori community leaders raised the additional issues of:**

- \* the need for more open space
- \* a desire to have Aboriginal culture reflected with some sort of space
- \* the question of air rights over Redfern Station
- \* employment opportunities for the local community



## **TRIBUNAL SUICIDE AND SECURITY**

**There was a tragic suicide at the Tribunal on January 14, which got wide media coverage.**

It took place at the Tribunal's hearing rooms at 301 George Street in the city. A tenant, who was a well-dressed businessman, had just had his tenancy terminated by the Tribunal.

After the hearing, the man left the hearing room, walked to the main waiting room and fatally shot himself in the head.

**The Residential Tenancies Tribunal has taken immediate steps to greatly increase security at its hearings.**

Permanent structural changes to the Tribunal's hearing rooms are being considered, to improve security. It appears there may also be changes to the Registry and Tenancy Service.

At present, people entering the Tribunal in the city have to pass through a metal detector, staffed by a sheriff of the Tribunal.

There is similar security for people going to the the Registry or Tenancy Service.

Naturally, the safety of Tribunal Members and staff has to be considered. However, the Tribunal will also need to look at how any security measures will affect how the Tribunal functions.

The Tribunal is supposed to be a relatively informal forum. In fact, it is already very daunting for most tenants.

**Should the Tribunal instal bars or bullet-proof glass, people will be less at ease in putting their case.**

Similarly, the Registry and Tenancy Service need to appear accessible so that tenants will use them.

The above case is an extreme one and there were obviously many factors which contributed to this suicide. However, it does show that Tribunal decisions can have very serious effects on tenants.

**Losing your home can be devastating for those involved, and this must be taken in to proper account by the Tribunal when assessing the relative hardship of the landlord and tenant.**

## CARR'S HOMEFUND PLAN DELAYED

**NSW Opposition Leader, Bob Carr, has drafted the Homefund Amendment Bill, to assist people caught by the State Government's Homefund Scheme. The Amendment Bill has attracted the support of Independents in Parliament.**

Under the Carr proposal, Homefund borrowers would at least have access to the NSW Commercial Tribunal to resolve problems with their loans.

People who have followed the Homefund story will be aware of the debacle (see Tenant News No 46 November 1992), and will remember community sector concerns being expressed when the Labor Party initiated the scheme in the late 1980s.

Key concerns included the use of interest earned on tenants' money, held by the Rental Bond Board, to subsidise the cheap home loans, and that some low income tenants would at best become marginal home owners, vulnerable to changes in economic circumstances.

The scheme aimed to extend home ownership to low income earners who were then being excluded from the booming property market by high interest rates and large deposit requirements.

It did this by targetting "affordable" housing and offering fixed interest rates and low initial repayments that rise during the term of the loan based on the assumption that the person's income would rise and inflation rates would not substantially decline.

These assumptions have proved misguided in light of the recession. Many low income earners, lured by the promise of affordable loans, are now facing unaffordable repayments on interest rates higher than market levels,

and little or no equity in their homes after years of repayments.

The number of people affected by Homefund rose when the scheme was dramatically extended by the then Liberal Housing Minister, Joe Schipp, under a policy of promoting private ownership rather than public provision of housing, to reduce public housing waiting lists.

**Carr's Amendment Bill is now delayed as Independent Members have agreed to give the Fahey Government time to propose its own legislative solution.**

At time of printing, the Fahey Government's response and proposed legislation are not available.

## RENTS STILL STABLE

**In the last Tenant News we reported that rents did not increase in the quarter ending June '92.**

**Well, nothing changed in the September '92 quarter.**

Although there were small local variations, rents stayed basically the same for the Sydney Metropolitan Area and the whole of NSW.

These figures came from the Rental Bond Board's 'Rent Report', based on new bonds lodged.

**Clearly, the recession is still keeping rents down, although Sydney's rents are still too high, and well above those of other states.**

In Sydney's metropolitan area, median weekly rents in new lettings are:

1 bedroom dwellings:	140
2       "       "	180
3       "       "	225

## A CLOSE SHAVE

Sue Creek

**If the Coalition had won on March 13th, they had promised to slash \$10 million off the national legal aid budget.**

According to Peter Costello (the Opposition's Shadow Minister for Justice), this would have been achieved through 'administrative savings'.

They planned to close the Commonwealth's own Office of Legal Aid, reduce the size of the Legal Aid Commission in each state, and almost halve funding to Community Legal Centres (CLCs). Although no details were provided about how this would be done.

**There are 104 CLCs throughout Australia, and a majority of Tenant Unions receive all or part of their funding from the CLC Funding Program.**

**Four days before the election, Costello announced on ABC radio that they would no longer fund CLCs which do not provide "legal" services. He specifically singled out CLCs which specialise in tenancy and financial counselling.**

(It goes without saying that we object to his definition of "legal" services.)

The Coalition also intended imposing the Goods and Services Tax on Legal Aid Commissions if elected to office.

For the NSW Legal Aid Commission, this would result in an increase of around \$9 million a year in up-front legal fees to private solicitors. This would significantly worsen the Commission's cash flow crisis.

The Commission has already been forced to slash its services to meet its budget for 1993/94.

This has resulted in legal aid no longer being available for public interest and

test cases, whilst in the tenancy area, assistance is now only available for eviction cases or where the individual has an intellectual or physical disability.

The Opposition claimed that the public would not be disadvantaged by the introduction of these cuts, as they would be accompanied by an 8% increase in pensions and a 6% increase in the dole. It is hard to see, however, how an extra \$10 - 12 a week would reduce the demand for legal services.

The Opposition clearly had little understanding of the community's needs in this area. Their policy was an attack on the very services which provide a fallback for people who miss out on legal aid.

Their cuts would have exacerbated an already dangerous crisis in access to justice.

**It is to be hoped that the election result will lead them to re-think their position in this vital area.**

## MATTER OF TASTE

*The following item appeared in a column of the Sydney Morning Herald on 27 February 1993:*

*"Far be it for Title Deeds to usurp Leo Schofield's role as adjudicator of public style, but the latest extreme in residential tenancy agreements musn't be allowed to take off.*

*"Being a closet adherer to decor doyenne Elsie de Wolfe's 1915 motto 'plenty of optimism and white paint', Title Deeds notes that a recent eastern suburbs lease - for a \$2,600 a-week Woollahra apartment - stipulated that while the pumpkin pink interior could be repainted to the tenants' taste, it could be done only by Maestri Bros. How naff!"*

# HANDBOOK LAUNCH

Paul Mortimer

**Tenants' rights got plenty of media coverage recently, with the launch of the handbook *Your Rights as a Tenant in NSW*.**

We decided to have the launch in February, as this is a peak time for tenant 'rip-offs' in many areas. This gave us a good opportunity to highlight the need for the book.

Our press release featured dramatic case studies, including one involving blood in the drinking water, from eels in the pipes. The release was picked up widely on Sydney and regional radio, plus metropolitan and local press.

**Of course, this not only promoted the book, but increased tenants' general awareness of their rights.**

The Australian Consumers Association (ACA) gave valuable assistance in preparing and timetabling the release, and sent it out for us on media net, which went to all media in NSW.

**The launch itself was held on February 10 and went off without a hitch.**

Louise Sylvan of the ACA launched the book, and John Nicolades of the Board for Social Responsibility spoke, as did the book's author, Phillipa Bellemore. The MC was Tracy Goulding, TU Board member and editor with Redfern Legal Centre Publishing.

We had a good crowd, including some TU members and Deirdre Grusovin, NSW Shadow Minister for Housing.

**We can mark this one down as a win.**

The book is available through the TU, or Redfern Legal Centre Publishing which is distributing to bookshops.



The handbook was already in stores such as Dymocks in time for the launch, and is continuing to sell well.

We should also mention that we received a letter of support for the book from Sandra Nori, Labor MP for Port Jackson. Here's what she said:

"I am delighted that there is now a tenants' rights book available that is 'user friendly'. It seems ludicrous to me that a person needs a law degree to be able to understand her/his fundamental rights.

I applaud all of those concerned with this publication for their efforts in producing a book that clarifies the rights of tenants in New South Wales and presents it in a way that can be understood by all.

I am particularly pleased that the low cost of the publication will ensure that it is accessible to low income earners."

We think that Ms Nori has summed it up very well.

## ILLEGAL ADDITIONAL TERMS

**The Residential Tenancies Tribunal has reported a case where the landlord had illegal additional terms in the Tenancy Agreement.**

The landlord was claiming the tenants' bond to pay for repairs that were in fact the landlord's responsibility.

It was the case of Phillipson vs Addison.

The lease contract (which was an out of date version) said the tenant had to pay for repairs to a number of things including:

- washing machine
- clothes dryer
- sink disposal unit
- air conditioner
- broken windows, light globes, tap washers
- stove elements
- pool equipment

The landlord also sent a letter to the tenant, asking the tenant to repair the clothes dryer, replace broken wall tiles and fix other items.

**Apparently, the landlord had no idea of his responsibilities under the Residential Tenancies Act, which came into effect in late 1989.**

The Tribunal member said that the Act changed the previous common law responsibility of the tenant to maintain the premises.

He said the Act placed the responsibility for maintenance on the landlord, including repairs needed due to wear and tear.

**In the end, the Tribunal found the landlord's claim to be 'misconceived and totally fallacious', and ordered the bond be paid to the tenant.**

The member even considered awarding Tribunal costs to the tenant, but did not.

This indicates that it is likely that many landlords have illegal additional terms in their agreements. Some would be knowingly against the Act, and others would be there in ignorance of the law.

## STOP PRESS

**Hanna Sharp has just started work as a new developmental caravan park worker for Western Sydney. It is a 2 year full-time position. Her number is 635 8559, and she's based at WESTS. More information next issue.**

## WORKSHOPS

**The next round of 1-day Tenancy Advice Workshops will be held on the following dates:**

**Friday 7 May  
Thursday 20 May**

These workshops are designed for community workers who need to give tenancy advice, or tenants who want to know more about their rights.

They cover all the common areas where tenants tend to have problems when renting.

For more information ring the Tenants Union on 247 3813.

# TRIBUNAL VIDEO: A CRITIQUE

David Dobell

**The Residential Tenancies Tribunal (RTT) has produced a video which, in their words, is in 'plain English' and 'specially designed to explain the Residential Tenancies Tribunal and how it can be used to resolve tenancy disputes.'**

The video was officially launched on 30 October 1992, the 3rd anniversary of the Tribunal's operations. It was mostly funded through a Law Foundation of NSW grant of around \$40,000 to the Tribunal.

I should start by saying that I am looking at the video mainly from a tenants perspective, even though the video was made for all parties.

**I believe it is a good thing that the video is now available to explain the operations of the Tribunal. It is a pity that tenants have had to wait three years, given the lack of community tenancy advice and advocacy services for tenants.**

However, videos do need to be effective. So in reviewing an educational video such as this, what things are important? I think the considerations are:

- \* **content** - does it contain the information necessary for tenants to apply and appear in the RTT?
- \* **delivery** - is it easy to understand and does it maintain a tenants interest?
- \* **availability** - is the video widely available for viewing and specifically to those who need it most?

An added consideration, when looking at a video from a tenants perspective, is representation. Are stereo types used and if so, is this a good or bad thing?

**In terms of content, the video is generally successful.**

The video is not primarily concerned with the law or giving advice. It is a procedural video, dealing with such issues as how the hearing is run, questions of proof, conciliation and interpreters.

In illustrating the procedural matters, case studies of the three most common applications to the Tribunal were used. It starts with a complaint by a tenant to the Tenancy Advice Service for a breach of quiet enjoyment. The tenant then goes to the Tribunal for that breach and while we are at the Tribunal we see an eviction for non payment of rent and finally, a bond claim by a landlord.

A content omission was a clear explanation of who is who in the Tribunal hearing room, especially the function of the Tribunal member. This aspect of court is what intimidates many court attendees and is the reason for Legal Aid posters on who is who in court.

**Even though procedure is the primary aim, the video does present the outcomes of each of the case studies.**

I am undecided as to whether presenting the outcomes was a good idea, as anyone watching the video will expect the decisions to be standard orders.

**While it may be that the video decisions are a true representation of Tribunal decisions, I was somewhat unnerved by the outcome in the eviction matter.**

The tenant is substantially behind in rent, but appears to have genuine hardship. The landlady is behind in her mortgage payment and the bank is threatening to foreclose. The relative hardship is 'considered' and the tenant is out in 7 days.

Wow! It's decisions like this that make me wonder whether the Tribunal is a good idea. Under the previous 1899 legislation the tenant got at least two weeks and perhaps more for hardship like this.

Now, I know of many cases where the tenant has got much more than 7 days in the Tribunal. My point is that tenants, on seeing this, are led

**to expect no more than 7 days for any eviction, regardless of hardship. Video precedent?**

Also notable in this outcome was that there was no order to pay the substantial backrent. This is a most unlikely event.

**My view of the delivery - that is, the script, the actors and the video techniques - is that it is very effective.**

The video techniques used make the video very watchable as well as providing maximum information in an interesting way. I think it would have been impossible to present all the necessary information without techniques like voice overs and rolling text.

The script flowed well and was believable. I think the attempts at humour in this script failed, in spite of being delivered by a professional actor-comedian. Humour can be a very successful educational device, but regrettably I didn't find it so - it was contrived.

**I don't know whether all the actors were well known. I knew a few from television. I question the use of well known actors in educational videos.**

Do they make the viewer forget they are trying to learn something and switch into entertainment - television soap mode? Or does actor identification enhance the learning by making the video more watchable? As they say on television "You be the judge..."

**I do have some serious concerns about the availability of the video. It is important that tenants see the video as early as possible to prepare their case and as an encouragement to attend the Tribunal.**

I understand that the Tribunal is being distributed free to 9 Legal Information Access Centres in public libraries around NSW and to 28 public libraries. In the near future, parties to Tribunal applications will be notified which libraries have the video.

The video is also playing in the waiting area at the Tribunal's headquarters - 11th floor, 301 George Street for viewing before the hearing.

As community legal centres and the few tenancy advice services are expected to assist tenants, I would have thought the tapes would have been distributed free of charge to these services. Especially when the funding for the project came from the Law Foundation of NSW!

**The cost is \$25.00 plus sales tax plus postage. While this is a reasonable charge as far as videos go, the cost would rapidly build up if you were buying all the subtitled versions; Arabic, Cantonese, Vietnamese and Spanish.**

The other problem is that not all libraries have video players. Can you believe that there is not one library in the Blue Mountains area that has a video player! As expected, no Mountains public libraries got a copy of the video.

**My final comment is on the representation of tenants. The stereo typing bothered me.**

My impression of the tenant in the first scenario - which took up just over half of the video time - is of someone who is very aggressive, violent and a boor. I think this is one of the many stereo types of tenants that the media peddles and not a good thing to be perpetuating.

**Overall my rating? I'd give it an average of three stars in the Movie Show's Pomerantz/ Stratton ratings system. Three stars for content, four stars for delivery, and two stars for availability. Note; the classification is TAGR: tenancy adviser guidance recommended.**

*Editor's note: The issues raised above were the subject of vigorous debate within the video's production steering committee, of which the Tenants' Union was a member. The Tribunal did modify its approach in line with some of our suggestions. (You should have seen some of the Film Company's initial stereo-type for the tenant ...)*

## NEVER SAY DIE

Beth Jewell  
Tenant Worker, Redfern Legal Centre  
Waverley Tenants' Service

A tenant of the Department of Housing was contacted by the Department concerning the alleged failure to disclose changes in income details (clause 27 of the agreement).

Tenant X admitted that her income had changed and that she would remedy the situation as soon as possible. Within 2 weeks she supplied the Department with the necessary proof of income for the whole period of variation.

**X had been claiming rebates for the period at a lower income and she realised she would owe some back rent and commenced approaching the Department to pay it back - the Department would not negotiate; first the file was at legal branch and then they informed her that they would be seeking vacant possession.**

**"We want the keys and no other correspondence will be entered into."**

Even though X was still entitled to a rebate they informed her that her rebate was cancelled back to the first incorrect rebate form. They claimed she owed over \$15,000 in rent arrears. First they wanted vacant possession and then they would pursue the debt.

The situation appeared very bleak. However, being a single mum with 2 kids and nowhere else to go, she decided to fight to keep her home. X also kept pointing out that if she was evicted it would be much more difficult to pay off her rent arrears and she would have to go back on the emergency housing list!

Five months after X had furnished them with the correct details, the Department issued a Notice to Terminate on the grounds of breach of agreement - clause 27 - under section 57 of the Act.

After a couple of adjournments and getting hold of her file, the matter was heard at the Tribunal. The Tribunal's attention was drawn to the fact that the Notice of Termination was issued for a breach that was remedied 5 months prior to the date of issue.

Clause 27 states that tenants of the Department must provide details of any changes to income.

**The member decided to dismiss the application for an Order of Termination and an Order for Possession under Section 65 (2) (b) of the Act.**

This section gives the Tribunal the power to dismiss an application for termination if a breach has been remedied.

The matter of the legality of retrospective cancellation of rebates regardless of income level has been adjourned 'til we receive a legal opinion from Counsel. We will print the results of this in the next Tenant News under the heading...

**"Never say die II"**

## WHERE TO GET TRIBUNAL VIDEO

The Residential Tenancies Tribunal Video is only available from the NSW Film and Television Office. GPO Box 1744 Sydney 2000, phone (02) 380 5599

It costs \$25 plus sales tax plus postage, which adds up to around \$35 per copy.

You can borrow the video from some of the bigger libraries around the state. The Tribunal (02 229 0022) can tell you which ones, or send you a list).

The video runs for 17 minutes. It is in English, but they have also made copies with subtitles in Arabic, Cantonese, Spanish and Vietnamese.

## MIGRANT TENANCY PROJECT: PROGRESS REPORT

The Tenants Union has employed a Migrant Tenancy Worker, Naheda Cahal, until to provide tenancy information to recently-arrived migrants.

She is targetting the Arabic and Pacific Islander communities. The project finishes in April. This is her progress report from December to March.

Many interviews and questionnaires have been conducted with the Arabic and Pacific Islander community workers.

Naheda visited generalist migrant services, the Department's Tenancy Service, the Residential Tenancies Tribunal and the Rental Bond Board, to discuss the ways of catering to the needs of migrants.

Four tenancy workshops have been held for community workers with the Arabic and the Pacific Islanders communities, to provide them with the relevant knowledge. They were also given experience on our Tenants Hotline, to develop their tenancy advice skills.

Naheda and SBS Radio station 2EA produced an Arabic language advertisement about the project. The Pacific Islander workers produced advertisements in their own languages.

These will let people know that trained workers are available to advise their communities in their own language.

For eight weeks starting early February, the advertisement has go out on 2EA Radio Station three times a week through the Arabic program and once a week for Tongan, Fijian and Samoan communities. As well, advertisements are appearing in Arabic newspapers.

Work has now begun on a report about the project, its findings and recommendations.

## RENT BY CIRCUMSTANCE

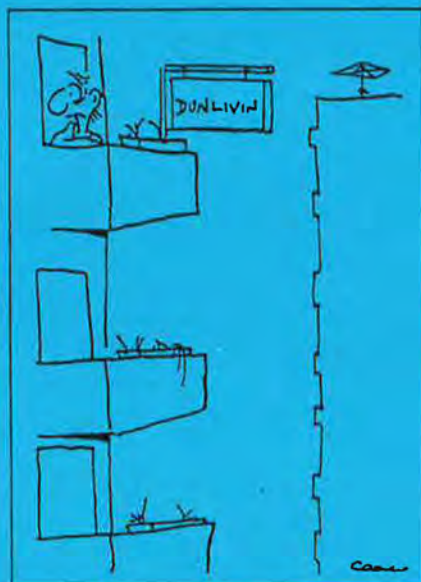
The following letter by John Baylis of Coogee appeared in the Herald, shortly after Dr Hewson's comments about rented housing.

"Sir: I admit - I'm a (gulp!) renter. Believe me, Dr Hewson, I dearly long for the opportunity to add value to the property of my beloved (though anonymous) landlord.

All I'm waiting for is the day when he, she or anyone is willing to give me a 20-year lease. Or even a 10-year one. Or anything over the standard six-month joke. Until that day it is very hard for me to feel the will-to-renovate that you find so lacking in my breed.

Australia would do well to follow the practice of most western European countries, where renting is a perfectly acceptable alternative, where renters are given long leases that encourage them to take responsibility for their homes, and where investing in property is something one does for secure, long-term, modest returns, not speculative profit-grabbing.

"But we couldn't interfere with the property market, could we?"



## 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	<input type="checkbox"/> 6	<input type="checkbox"/> 5	
Waged Worker	<input type="checkbox"/> 11	<input type="checkbox"/> 10	
Organisations (by income)			
less than \$30,000	<input type="checkbox"/> 45	<input type="checkbox"/> 40	
\$30,000 \$50,000	<input type="checkbox"/> 75	<input type="checkbox"/> 70	
\$50,000 \$100,00	<input type="checkbox"/> 85	<input type="checkbox"/> 80	
More than \$100,000	<input type="checkbox"/> 105	<input type="checkbox"/> 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**  
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Monday to Friday 9.30am - 5.00pm

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