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tenant

NEWS

NO. 49 NSW NOVEMBER 1993

CELEBRATORY ISSUE



A homeless old man in a wheelchair lives under the railway viaduct at Circular Quay. He is ill and undernourished. DOES HE REVEAL MORE ABOUT THE STATE OF SYDNEY THAN KEN DONE? AND WHOSE AKUBRA HAT WAS THAT I SAW FLOATING IN THE HARBOR?



Burdened with omens I struggle to Kings Cross where I see many people drugged and stoned and wretched like tranquilised stray dogs waiting to be put down in a dirty smelly veterinary clinic.



Could it be that all simple goodly and honest attempts at productivity are destined to fail here? A PLACE ONLY FIT FOR SLICK ENTREPRENEURS

Levin

INSIDE

OLYMPICS DOWNSIDE

NEIGHBOUR NUISANCE

TENANT SERVICES MODEL

RESPONSE TO MANY

SALVOS EVICT

HOMEFUND BAIL-OUT

LOCKS AND SECURITY

PUBLIC HOUSING INQUIRY

About the Tenants' Union:

The Tenants' Union of NSW promotes the interests of tenants, including boarders and caravan park residents.

Since 1976 we have advocated many improvements to laws and administrative procedures affecting tenants and worked to increase awareness of tenants' rights.

Each year the Union continues to assist thousands of tenants with information, advice and referral.

Tenant News is produced to publicise developments in tenants' access to their rights and housing justice. We gratefully receive contributions of up to 1500 words and invite feedback or suggestions for future issues.

The current Board of the Union is:

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Second Mant Report - a response

The report of the Inquiry into Customer Service Bodies under the Responsibility of the Minister for Housing was released in late June. Whilst the report covered a range of important issues, we were disappointed that it did not address a number of significant concerns raised by tenant advocates.

The Tenants' Union co-ordinated the Tenancy Legal Working Party's response. Our paper focussed on five issues addressed within the report and the following is a summary of our response.

Rental Bond Board Surplus

Mant estimates that the Rental Bond Board currently holds around \$100 million above its operating requirements. We welcome his view that this surplus morally belongs to tenants. However, we oppose his suggestion that it should be transferred to Consolidated Revenue.

The State government now intends using most (if not all) of this surplus money to help meet its liabilities under the troubled Homefund scheme. Whilst many caught within the Homefund debacle are deserving of assistance, we strongly argue that it is not appropriate to use tenants' money for this purpose.

As the money was originally raised from the interest earned on tenants' bonds it should be used primarily for the direct benefit of tenants, including funding of community-based tenant services.

Mant, in fact, supports this. He considers that "governments are not very good at giving advice and assistance to individuals". He argues that it is more appropriate for actual advice - as distinct from information - services to be provided by community organisations. He endorses government funding for this purpose providing community organisations can deliver services effectively and at a reasonable cost. He states that the model developed by the Tenants' Union demonstrates that reasonable solutions can be found.

Government Tenancy Service

The report recommends that all Department of Housing information officers, including those providing tenancy information, be brought together under a new Property Services Information Unit. Mant also sug-

gests that this new Unit could sub-contract with Regional Department of Housing Managers or other agencies to provide the services.

If the delivery of information services is to be reorganised, it is imperative that the level and quality is at least maintained and hopefully improved. It is highly likely that the proposed Unit would **not** achieve this for tenants.

The conflict of interest issue in relation to the government's Tenancy Service - one of our key concerns in our earlier submission to the Inquiry - was not addressed by Mant. The Tenancy Service is currently located within the Department of Housing and its staff are Departmental employees. The Department of Housing is the largest landlord in the State. Moving this Service into the new Ministry of Housing does not overcome the problem. The potential conflict remains as the Ministry and the Housing Department are within the same portfolio.

The Tenancy Commissioner

Mant acknowledges the potential conflict between the Commissioner's "adjudicative functions and the fact that the Department of Housing is the State's largest landlord". We disagree that this is "largely resolved by transferring responsibility for the various Commissioner offices to the new Ministry..." The Commissioner, his staff and Tenancy Service personnel would continue to be employed under the same Minister responsible for the Housing Department.

The Tribunal

Mant maintains "that it is wrong in principle for an arbitral Tribunal to be responsible to an operational Minister...whose department is regularly a party before the Tribunal." He therefore recommends that the Residential Tenancies Tribunal be transferred to the Minister for Justice.

If this were adopted, care would need to be taken to ensure that the Tribunal did not become significantly more formal and adversarial in approach and that the Tribunal's accessibility not be diminished. It may be that location within the Department of Consumer Affairs would be an appropriate alternative.

Notice of Termination

Mant argues that landlords should be permitted to serve a Notice of Termination where the tenant is less than 14 days in arrears. This issue was outside the brief of the Inquiry and it was disappointing to see it raised within the Report in this way. It is worth noting that there was considerable debate on this issue during the drafting of the Residential Tenancies Act. The legislators deemed that the amount of notice was an appropriate balance between the needs of both parties. In addition, landlords are generally getting much quicker evictions through the Tribunal than under the previous court system.

According to the Minister's office, this second Mant Report generated a surprising number of responses. These will be assessed by the Ministry's new Office of Housing Policy and Strategic Planning (headed by Viv Milligan). However, at this stage it is likely that few recommendations arising from the Report will be acted on before the autumn sitting of Parliament next year.

Legal Aid victory

The Legal Aid Commission of NSW has decided to restore Legal Aid for most civil law cases, including tenancy, consumer protection, civil liberties and coroners inquests. They are still refusing legal aid on environmental matters.

Overall, this is a welcome policy reversal by the Commission, and a victory for Community Legal Centres, who mounted a concerted campaign to restore this legal aid. If the original decision had remained, the Tenants' Union would probably have been unable to challenge Residential Tenancies Tribunal cases in the NSW Supreme Court.

A 'Day of Action' planned by the Legal Centres was cancelled and hastily replaced by a party of celebration. Congratulations to those people who fought hard and well for this outcome, particularly the campaign coordinator, Fran Gibson.

Industry Commission Public Housing Inquiry

The Industry Commission has been inquiring into public housing in Australia and has recently released its draft report. While the report has many findings that confirm the value of public housing to Australians, it also contains recommendations that ACOSS's previous President Merle Mitchell said will make life much more difficult for tenants and undermine the future funding of public housing.

The findings of the Industry Commission Inquiry show that public housing is the most cost effective way of providing housing assistance and demand will remain high, due in part to the failure of the private rental market to meet the needs of low income earners. Public housing provides low income earners with security of tenure and freedom from discrimination but past poor public housing management has limited options, choice and mobility for tenants. The Commission also found that rent assistance should also remain an option principally to provide short-term help and there needs to be better integration of crisis and long-term accommodation.

While ACOSS has welcomed the Commission's findings, particularly for its confirmation of views the community sector has held for many years about the value of public housing in creating social benefits, the Council of Social Services has major concerns about the recommendations the Commission then goes on to make. Some of the more worrying recommendations include:

* Fundamental changes to the Commonwealth State Housing Agreement (CSHA) with the Federal Government's role initially restricted to providing income support through the extension of rent assistance to tenants. Responsibility for financing home provision would revert to the states, which would also be responsible for making up the balance between rent assistance and the rebated public housing rent. The Industry Commission suggests that states finance housing through borrowings rather than capital grants. The report suggests that as an incentive, the Federal Government might also choose to pay an additional subsidy per tenant up to the total amount of current CSHA funding.

* That rent rebates be set at a standard regional average amount for each household type. Market rents would then be charged for each dwelling, leaving tenants to choose whether to pay for more expensive housing, for example, in better locations.

* That state housing authority property management be commercialised and split from tenancy management which should be located in a welfare department.

Developing a segmented waiting list on which applicants are ranked according to 'need', with different waiting periods for each segment. This ranking would be done by assessment panels which would assess all applicants.

* That tenants not receiving a rebate pay a premium above market rents for security of tenure.

From the community sector viewpoint, the first finance related recommendation threatens public housing viability because it represents an immediate, massive reduction in CSHA funding unless the federal government takes the option to give incentive payments, and opens the door for states to more easily reduce the level of housing provision in response to their own budget pressures.

Proposed changes to rent rebating and the move to more reliance on 'market rents' can only mean more complex rent setting arrangements and disadvantage for tenants who can't easily choose to avoid more expensive areas. These changes could see an end to the equity and access of housing based on need that has been one of the traditional strengths of public housing. Modelling of this proposal by both Shelter (NSW) and the Department of Housing (NSW) shows some bizarre

results with the possibility of tenants needing to be paid to live in some areas of Sydney.

Moves to split the commercial property management from tenancy management may again increase the complexity of public tenancies and make it harder for housing authorities to respond to tenant needs.

As for the proposal to prioritise the needs of people on the waiting lists via assessment panels, ACOSS is concerned about the difficulty of weighing different needs and the community sector generally sees potential for this approach to divert funds from housing provision to feed a burgeoning bureaucracy, attempting to assess and rank needs of tens of thousands of people waiting for accommodation.

In proposing premium rents in exchange for security of tenure, the Industry Commission abandons what was once a basic objective of public housing and installs arrangements contrary to private tenancies where long-standing tenants tend to pay lower rents.

Representatives from ACOSS, VCOSS and Shelter (NSW) have met with the Industry Commission in an attempt to explain community sector concerns in response to their draft report. While some changes are expected in the Commission's final report, which is due to be tabled in Federal Parliament in the very near future, it is likely that major concerns will remain. It may be that the process of developing a political response by the Federal Government will provide another opportunity for community concerns to be expressed in defence of public housing.

Interested people are encouraged to get a copy of the report after its tabling in Parliament. Ideas and comments should be directed to either ACOSS or Shelter.



Tenants to bail out HomeFund

The Fahey government has moved to use funds collected for consumer protection in the housing sector to bail itself out of the HomeFund debacle. In this year's budget speech the Treasurer, Mr Collins, announced the decision to transfer alleged surplus funds of the Building Services Corporation, the Rental Bond Board and the Real Estate Services Council to the Housing Department. 'These (funds) will be available to meet any costs associated with the HomeFund financial restructure; the determinations of the Home Fund Commissioner; and to meet housing funds in general.'

This was met with condemnation from consumer groups and the general media for its redirection of funds gathered for a very different purpose and its damaging effect on the three bodies that need to do more in their duties rather than less. The Tenants' Union has written to Minister Webster with our concerns and with positive suggestions for uses of the Rental Bond Board "surplus" which would benefit tenants rather than protect property investors and beleaguered politicians.

The Fahey government's budget strategy comes as a continuing investigation by the parliamentary HomeFund inquiry, the HomeFund Commissioner and Auditor General reveal how the extensive problems in the administration of HomeFund include:

- * co-op societies' reluctance to be involved in the scheme
- * untenable loan conditions
- * errors within FANMAC
- * confusion about borrower rights
- * potential losses to the State of \$500 million.

Evidence to the parliamentary committee shows that Minister Webster and Premier Fahey continued HomeFund after Treasury advice that the Home Purchase Assistance Fund (HPAF) could be bankrupted if each borrower insists on their rights under the scheme. Mr Fahey has elsewhere acknowledged that the HPAF, which underpins HomeFund, might have to subsidise Affordable Home Loans.

Over past weeks the Fahey Government continued to play down the extent of this policy debacle in the media and has not yet properly accounted for the potential losses in the State's budget papers. This is in spite of the Auditor General's warning that this may lead to the State's first ever qualified audit.

Nuisance and annoyance

Following continued incidence of nuisance and annoyance being brought before the Murray-Darling-Riverina Public Tenants' Association, a Taskforce was established by them to look at this increasing problem area. The Taskforce approached the problem from three levels looking at tenants experiencing the problem, the Regional Tenants Council and its role, and policy development.

The Taskforce produced a discussion paper for developing a Nuisance and Annoyance Policy for public housing tenants, an information brochure to increase awareness of how to deal with these issues and a Procedures Guidelines for Regional Councils.

The Discussion Paper is still in draft form and we're seeking comment from various sections of the public housing sector before presenting it to the State Conference of Public Tenant Councils.

The Taskforce defined nuisance and annoyance as "a disruption to the peace and enjoyment of our home and surrounds and a threat to the safety of ourselves and family and our property".

The Taskforce identified a number of steps that can be followed to address this problem. These are:-

- Process. A process needs to be put into place which is easily understood and followed by Department of Housing staff and tenants experiencing the problem.
- Screen Applicants. Applicants should be asked to provide evidence of suitability as is the case in the private.
- Eligibility Criteria. The taskforce determined that eligibility should consider more than income alone.
- Tenancy Agreement. This needs to be explained more fully to applicants before they sign, and tenants rights and responsibilities should be emphasised and form part of the signing up procedure.
- Staff Training. All Department of Housing staff should be fully trained in all aspects of nuisance and annoyance, tenants rights and responsibilities, conflict resolution, Residential Tenancies Tribunal and tenant participation.
- Tenant groups' referrals should be made to local tenant groups and Regional Councils for people experiencing nuisance and annoyance problems, for support and information.

- Department of Housing should have established links with the Police, especially in relation to giving evidence at Tribunal hearings.

- Tenant Support Worker. The Department should employ a specialist to work with tenants in nuisance and annoyance issues.

The information brochure is for general distribution and looks at what to do and where to seek help when experiencing nuisance and annoyance problems.

'Procedures for Regional Councils' provides the guidelines for how to support tenants with a complaint. The procedure includes a way for the problem to come to the attention of the Regional manager and the Director in the hope that statistics will soon dictate that something needs to be done about this ever increasing problem in the public housing sector.

Tenants Union Editorial Comment:

The Tenants' Union is aware that 'Nuisance and Annoyance' by neighbours is a major issue in public housing. We are pleased that the Public Tenants' Council is developing a discussion paper, and encourage people to send their views to:

Murray Darling Riverina Public Tenants Council
PO Box 46
South Wagga Wagga 2650

We would also like to add the following points:

- * It could be very difficult for public housing applicants to prove 'suitability' for tenancy, or for anyone to draw up workable guidelines on who is 'unsuitable.' Any broad definition, or giving arbitrary power to Department of Housing officers, would risk people being denied public housing due to various forms of discrimination. A racist public servant may too-easily be able to deem an aboriginal applicant 'unsuitable.'

- * Independent mediation and appeal mechanisms need to be set up so that disputes between neighbours can be resolved fairly.

- * Emphasis should be placed on providing proper support for public tenants with particular problems, such as people with psychiatric disorders.

- * The Department of Housing needs to recognise that it has a responsibility to ensure that public tenants enjoy peace and quiet in their homes, and are not harassed. To do this it must adopt policies and practices to resolve disputes and protect public tenants. In the past the Department has frequently ignored its obligations in this area.

Caravan parks campaign

Caravan park residents, workers and the Combined Pensioners and Superannuants Association (CPSA) have been running a campaign to eliminate:

- * 'no-cause' evictions from caravan parks of mobile home owners
- * visitors' fees
- * premiums charged by park owners on the sale of mobile homes.

The campaign used a post-card mail-in. People sent in the ready-made postcard to their local M.P. at Parliament House. The postcard had the details of what they wanted printed on the back.

It appears that they are having some success. The Labor Party seems to be on-side for law reform on the issue and is looking at Queensland laws as a model for NSW. Change is possible if the minor parties and independents support the reforms. Tenant News will report any developments.



Social impact report dulls Games gloss

Peter Cronau

After the celebrating has died down, Sydney will need to take a sobering look at the contents of a new government report on the possible social impacts of the Games.

The report, prepared by the NSW Directorate of Social Policy, was reluctantly released following media pressure on Tuesday 21 September on the eve of the bid decision after Premier John Fahey had initially refused to let it be seen.

The report describes a bewildering array of possible negative social impacts of the Olympic Games, ranging from increased housing and real estate costs, unproductive land speculation, arbitrary evictions and price rises, price hikes for goods and services, effects on the public transport system, and increased demands on hospital and health services.

A main finding of the report is that the impact of land speculation may "begin to be felt as soon as positive news is received on Sydney's bid". It recommends that NSW government agencies begin immediately to respond to such potential impacts, even before a full social impact study is completed.

The existence of the report, titled *Sydney Olympics 2000 - Approaches and issues for management of social impacts*, was first brought to light by the Australian Centre for Independent Journalism at Sydney's University of Technology. Despite the reluctance of the NSW government to release the report, it had provided a copy to the private company, Sydney Olympics 2000 Bid Ltd, which had also refused to release it to the press.

If the effects of past mega-events in Australia and abroad are anything to go by, the impact of the predicted 270,000 visitors to Sydney over the 16 day period of the Games will particularly affect many low income Sydney residents.

Sue Creek, legal officer for the NSW Tenants' Union, expressed the concerns of Sydney Tenants; "The Olympics will have the effect of dramatic rent hikes and evictions, and the impact will not be just around the Olympic site."

Her views are based upon the impact of the America's Cup on Fremantle, the Brisbane Expo, the Grand Prix

in Adelaide, and other major events. But the Tenants' Union, who has had no contact from the Government or the Sydney 2000 Bid company, says it's not too late to soften any negative effects.

"The State government could introduce legislation to cap rents during mega-events, and could introduce legislation that requires a just reason for eviction. We would have thought that in view of the Fahey government's 'more caring' attitude, they would have taken those issues into account," Ms Creek said.

Reverend Ann Wansbrough, a researcher for the Uniting Church Board for Social Responsibility, says that a fuller social impact assessment should have been done, and is now needed as a matter of urgency. "We are always concerned about the impact of decisions that are made for economic reasons or for reasons of national prestige or whatever, in their impact on poor and vulnerable people".

She believes not doing the study before the bid decision, "implies that you create the problem and maybe you investigate how to patch it up. Poor people always suffer under that sort of approach."

In the NSW State budget delivered in early September, infrastructure costs for the Games were included, but says Lyn Gain, executive director of the NSW Council for Social Service, no new public housing constructions were announced.

"All the infrastructure money for the Games is already in this last budget but there's obviously much more reluctance to budget for similar things for public housing." Ms Gain says that NCOSS has been asking for funds for a social impact assessment for two years, and thought it "unfortunate" the study has not yet been done.

Damian Gleeson, NSW spokesperson for the St Vincent de Paul Society which runs shelters for homeless men like the Matthew Talbot Hostel, says they have been told informally the government will take into consideration the social impacts of the Games. He said a letter sent to Mr Baird asking the government to conduct a social impact study had received no response.

A spokesperson for the Sydney City Mission, Ken

Harrison, says it has had no consultation over the Games with the government yet. A major redevelopment of homeless hostels in the inner city area is now underway, but this would not be enough, says Mr Harrison. "I certainly will need further funds if there is an increase in demand," he said.

"My perception is that homeless people might well feel pushed out of their normal place of operation. There almost will be an instant gentrification of some of the inner city areas," he said.

Past lessons not heeded

The Social Impact Assessment for Melbourne's bid for the 1996 Olympics in 1989 was prepared 12 months before their bid decision. It found that the Olympics could either act as a catalyst for urban change or as an acceleration of the gentrification of the inner city.

The potential social costs pointed out by the report included diversion of public funds from essential services, increased housing costs and homelessness, an employment decline after the Games, disruptions to public transport, and environmental degradation, but the report suggested these effects could be overcome by Government action.

In a report prepared by the Victorian Community Services Department in 1990, the number of homeless people was expected to increase following the displacement of low income residents caused by the Games.

The report said the loss of single room accommodation in the inner city area of Melbourne would be "expected to accelerate following a successful Olympic bid due to pressures on the property market for upgraded accommodation for visitors to the Games". The report stated, "The current users of the accommodation could be expected to be displaced onto the streets."

The resulting increased demand for community support services, according to the report, would require the "fast-tracking" of strategies to prioritise public housing for those displaced and significantly increase funding to community services helping the homeless.

The social consequences of the Brisbane Expo 88 have been detailed in a consultant's report, titled *Trouble with the Neighbours*, which found that the Expo had been planned "with little concern for the impacts of the event on the local communities."

"Expo 88 directly attributed to the acute rise of rents in suburbs immediately surrounding the Expo site," the report found. "A large quantity of affordable rental housing, especially rooming houses, was lost through upgrading, conversion into tourist accommodation, commercial use and demolition."

SYDNEY 2001...



The report found that many hundreds of residents were displaced as a result of factors affecting the supply and price of affordable housing.

"This led to a great deal of emotional and economic hardship for those tenants displaced, especially long-time elderly residents. The disruption of housing placed added burdens on the welfare sector and reduced enrolments at some local state schools threatening their long-term viability."

The report also noted surprisingly that local retail outlets "suffered an overall decline in business ... (as people) purchased at Expo itself".

A 1988 report titled *The Big Party Syndrome* found that Queensland made virtually no attempt to identify and anticipate the likely social impacts of Expo, putting them in a poor position to respond to problems, in clear contrast to the Fremantle America's Cup Challenge.

Prior to the 1987 America's Cup, the Fremantle City Council in 1985 identified the most vulnerable community members as those on low incomes, unemployed persons, the homeless, youth, single parents, and migrants, and the main problems predicted were shortages of accommodation, dislocation of local residents, and an increased demand on health and welfare services.

As a result an urban renewal program saw the expenditure of \$19.6 million on public housing and \$10.4 million on community facilities and services in Fremantle in the 3 years before the Cup, although it was unclear just what proportion of that was actually extra expenditure.

A spokesperson for Games Minister Bruce Baird said "It's clear that once we, if we, win the bid there's going to be extensive consultation with all sections of the community because it's going to have a wide ranging effect on the public."

Jane Schwager, Executive Director of the Social Policy Directorate which prepared the preliminary report, said, "Basically we have done a discussion paper and outlined the parameters of what ought to be the basis of a brief for a social impact assessment. "It doesn't affect the bid," she said, "but the ways the Games are implemented will have to take into account the social impact."

Since the lack of proper social impact assessment has been raised in NSW, the Premier Mr Fahey, has indicated that his government will complete an assessment but has so far not given a commitment to when and how this will be done.

The lack of a full social impact assessment for the Sydney Games underlines the fears of Pierre De Coubertin, founder of the Modern Olympics, who said, "I have not worked to give you back the Games to have you make a spectacle of them, nor for them to be exploited by businessmen or politicians."

** Peter Cronau is a Sydney-based writer on social justice issues. This article was originally published in the September issue of Reportage, the newsletter of the Australian Centre for Independent Journalism., and in The Australian, 21st October.*

Reportage Subscription \$15.00. ACIJ, P.O. Box 123, Broadway 2007.

Our own Olympics Committee

As Sydney plans for the Olympics, it is an ideal opportunity for the Tenants Union and other organisations to push for more tenant-friendly renting laws. The key issues are: stopping evictions for no given reason ('no-cause' evictions), rent control and more state and community housing for the disadvantaged. This will be a seven year campaign but we need to start organising now.

The Tenants Union is establishing a committee to act on these issues and others arising out of the Olympic Games. We welcome the participation of interested people as we try to extract something positive out of all the hoopla. For information ring (02) 247 3813.

Migrant access to tenants' services:

On August 5 the Federal Minister for Immigration, Nick Bolkus, released a report by the Tenants' Union, "Migrant Access to Tenants' Services in NSW". This received significant media attention, notably on SBS TV. This helped to get the message about tenants' rights to NESB communities.

The report is the result of a project completed by Naheda Chahal and funded by the Commonwealth Department of Immigration and Ethnic Affairs. It included strategies for providing services to recently arrived immigrants and the Pacific Islander and Arabic communities.

In the report are 39 recommendations to improve migrant access to services. The Tenants Union has forwarded the report to the N.S.W. Minister for Housing, in the hope that it will be considered in conjunction with the second Mant Report.

As with the second Mant Report, this report made many recommendations regarding the Department of Housing Tenancy Service, the Residential Tenancies Tribunal and the Rental Bond Board. Unfortunately many shortcomings were found, particularly with the Tenancy Service and Tribunal. Overall, access strategies were not properly planned, funded or promoted.

For example, multilingual information on Tribunal application forms is incorrect, and multilingual tenancy information is recorded and to use it the caller is given instructions in English.

The new Access Committee of the Tenants Union has met with these Government bodies to discuss the report's findings and recommendations. For more information about the Access Committee's recent work, see the article in this issue.

The report also contains very useful information on access strategies which were tested to provide tenancy information to the Pacific Islander and Arabic Communities. For these communities it was important to promote information and services through ethnic radio and papers, and to have advisers who speak the relevant language readily available on a direct phone line which can be promoted to the targetted community.

For copies of the report contact the Tenants' Union office on 247 3813. It was written by the Tenants' Union's Project Officer, Paul Mortimer.

NSW housing budget cuts

Housing has been one of the casualties of the 1993-94 NSW Budget. Public Housing commencements will decline from 3,219 to 3,107 in the coming year despite a steep increase in the number of public housing applicants. There are now 81,833 applicants on the waiting list, compared with 71,488 in the previous year - a rise of 15 percent. Housing completions will also decline from 3,750 to 3,500. The Department of Housing forecasts that the list will lengthen.

The State has been faced with a drop in Commonwealth housing outlays under the Commonwealth - State Housing Agreement (CSHA) from \$558.5 million to \$553.9 million (0.8 percent). However, this does not explain the steep decline in State capital expenditure on housing - including a cut from \$176 million to \$115 million for works in progress (34.6 percent); from \$246 million to \$223 million for new works (a 9.3 percent fall) and a cut from \$10 million to \$7 million in upgrading of major residential building in inner Sydney (30 percent).

Budget sector capital expenditure on public housing (made up of Public and Community Housing and Department of Housing - Public Rental Housing) will total only \$512 million, a decline of 8.2 percent (or 11.5 percent in real terms) on last year's figure of \$556 million. The decline of \$42 million in such expenditure is discussed further below. If the Home Purchase Assistance Fund figure of \$50 million is taken out of this - the \$45 million of such expenditure was not included in the 1992-93 figure - it looks even worse. The net figure is \$462 million for total capital expenditure, a drop of 17.2 percent on last year's figure (or 20.5 percent in real terms). Of this expenditure, Community Housing is allocated \$67.7 million.

It is difficult to trace the ultimate destination of such cuts. Some of it at least has gone to the creation of the Home Purchase Assistance Authority, with an allocation of \$31 million. This is at least partly aimed at cleaning up the HomeFund debacle, and includes a sum of \$2 million as grants to loan defaulters.

For further information contact:
Harvey Volke (WESTIR) 02 891 6377
Dez Waderton (YAA) 02 267 8182
Stephen Rix (NCOSS) 02 211 2599

Community Housing Program update

The first Community Housing Program 3 year Plan, the Terms of Reference for the new State Advisory Committee (SAC) and the State Operational Guidelines for NSW have now been completed and approved by both the State and Federal Minister after brief community sector consultation. Whilst the consultative process this year was far from perfect, these documents are subject to annual review so there is potential to improve on them next year. The Department of Housing is currently administering the Program, but it is intended that it will eventually become independent of government.

Funding Timetable

The bulk of the funding under the Program is for providing housing. Applications for expressions of interest in funding were called for in early October. Those which fit the guidelines and conform with identified regional priorities have been asked to submit a full application.

Infrastructure

The development and expansion of a viable community housing sector requires the support of management, technical, legal and financial structures and resource organisations. Effective tenant participation similarly necessitates adequate resourcing. The National Guidelines specify that 5% of the total Community Housing Program budget is to be allocated for the development of this infrastructure. In NSW, this represents around \$400,000 for 1993/94.

Consultation begins

The SAC will be conducting consultations with the community sector in November and December to help establish issues, principles, objectives, strategies and structures to aid the growth and development of the community housing sector.

Membership of the SAC will also be discussed in these consultations. Membership is by Ministerial appointment, but several population groups (youth, women, non English speaking, aboriginal, etc.) feel they should also be represented on the SAC. For more information contact Sue Creek on (02) 247 3813.

Letters to the Editor

A Plea for peace of mind for public housing pensioners

Public Housing life is not what it is cracked up to be, though cracked it is. Nor is the success of that tall notion that the solution to the housing problems of poor and isolated pensioners is sharing a Housing settlement with the young, whether it be young pensioners, young families or young chronically unemployed. The life styles are incompatible.

The Complex is polluted by ghetto-blasters, all-night parties, other anti-social behaviour, as well as severe retaliatory tactics if one has the audacity to ask for their noise to be toned or turned down. The psychological and emotional warfare created by these 'young' if one does not conform to their concept of 'what the world owes them', means having to live with people with whom you cannot plea, to allow the other residents to live a quite existence. Conditions of the Lease might not exist regarding noise pollution.

When it comes to retaliation, anything goes, and I mean that literally, including that which is screwed or tied; Continual anxiety about not knowing when the next all-night session of bellowing ghetto-blasters is going to shatter your sleep, and many elderly 'pop' sleepers or 'down' alcohol to get through the night; or when the next lot of kitchen garbage is going to be thrown onto your balcony or patio; pot plants stolen or trampled on; washing stolen from community clothes lines; when the next carton of eggs is going to be splattered against your windows or glass balcony doors; when your mail box is going to be stuffed with fruit or vegetable peel; or your mail set afire, dirty water thrown over your washing on the clothes horse; and if you happen to be of a different ethnic background you will suffer great racial and religious violence and abuse etc., etc.

The situation has become catastrophic where pensioners who want reasonable peace of mind, have to 'swap' a flat in another area (the Department does not transfer any more) or go back into the sky-rocketing private sector where up to 75% of their pension can go on rent. And if a decent aged pensioner moves out, who will move in? Not a fair deal by any means, and hardly a situation in which policy makers would care to reside.

Would the State Minister for Public Housing care to exchange accommodation for a while? Even then, there is a qualitative difference in the situations. He can afford to get out, we pensioners are trapped!

Joan Irene Cann, Marrickville.

Open letter from the Disability Discrimination Commissioner

Who is protected by the Disability Discrimination Act?

The definition of disability has been made very broad to give adequate protection from discrimination. It includes physical, intellectual, psychiatric, sensory, neurological, or learning disabilities, physical disfigurement, and the presence in the body of a disease-causing organism (such as HIV virus). The Disability Discrimination Act (DDA) covers disabilities which people have now, used to have but no longer do so, may have in the future, or which are imputed to them. It is also unlawful to discriminate against an associate (eg spouse, carer, business-partner) of a person who has a disability.

What areas of life are covered?

Discrimination based on disability is unlawful in employment, education, access to premises used by the public, accommodation, sport, activities of clubs, buying or selling land, administration of Commonwealth laws and programmes, and the provision of goods, services and facilities. These include banking, insurance, shopping, recreation, transport, telecommunications and services provided by any profession, trade or government body. It is also unlawful to harass people on the basis of disability.

How is a complaint made?

Complaints can be lodged by a person directly affected by discrimination, or on behalf of someone who is affected. Where there is difficulty putting the complaint into writing, Commission staff may assist. The Commission will investigate any complaints that are within its jurisdiction and where there appears to have been an unlawful act of discrimination will try to reach a settlement by conciliation. These are private and confidential, and usually successful. If an agreement cannot be reached, there may be a public hearing and, if necessary, the case can go to the Federal Court. Outcomes of conciliation may be payment of damages, reinstatement or promotion, an apology, and/or changes in policy or practices.

The Disabilities Commissioner can be contacted on:
(02) 229 7600
GPO Box 5218
Sydney 2000

Salvos evict tenant of 34 Years

The Salvation Army has evicted 67 year old Eddie Cummins from the Marrickville home he has lived in for the past 34 years. The Salvation Army are building an accommodation complex for older people and want Eddie's block for the car park.

Eddie Cummins first moved into the home in 1959. He put his skills to good use and often did repairs and renovations to the home. The then-owner was pleased by the way Eddie looked after the place and showed his appreciation by keeping the rent affordable.

The original owner passed away in the mid 1980's and left the house to the Salvation Army. In June this year Eddie received a notice to terminate his tenancy. He contacted Combined Pensioners and Superannuants Association to check his rights.

Negotiations started between the parties to try to find a suitable solution that would acknowledge Eddie's length of tenancy and future housing needs. However the Salvation Army took the matter to the Residential Tenancies Tribunal in September. The Tribunal made an order that Eddie had to move from the premises with the Salvation Army paying for removal costs and Eddie's new rent for six weeks.

While this order may appear favourable compared to other eviction orders it does not address the hardship faced by older tenants. Eddie's rent has jumped from \$80 to \$215 per week. An amount he will not be able to maintain for long on his income. Also his health has suffered because of the worry of an uncertain future.

It is ironic that the Salvation Army evicted numerous older tenants and demolished several sound buildings in its plan to provide accommodation for older people in their new Marrickville complex.

Late item:

Seminar on Manufactured Home Estates in Australia. February 23 1994, University of Newcastle.

Contacts for information:

**Hunter Caravan Project (049) 21 6840
I.B. Fell Research Centre (02) 692 4314**



Waverley tenants service

Waverley Tenants Information and Housing Referral Service is now available to tenants in the Eastern Suburbs of Sydney as part of ECHO Bondi Junction Neighbourhood Centre. Tenancy information and assistance is provided Tuesday to Friday on 387 3979 or 387 2885, at 27-33 Spring Street Bondi Junction. The new worker is Sarah Crawford.

Thanks are due to Redfern Legal Centre and their worker Beth Jewell, who operated this service for a period and established it at ECHO. Waverley Council also deserves recognition for funding the project.

ECHO has been operating since 1971 and is run by a community-based committee. Membership on the committee is open to people who live and work in the Waverley and surrounding municipalities, and to other interested people.

Their services include neighbour aid, community information, group activities and special projects such as tax help, survival tactics and a program for unemployed people.

New worker for Shelter NSW

Shelter NSW was recently funded for six months for the 'Shelter NSW Development Project.'

Louise Redmond is working with Shelter NSW, and is consulting with people who have an active interest in public and community housing. The aim is to develop a revitalised and energetic organisation which will have an impact on the development of housing initiatives and policy in this State.

Louise is meeting with people to find out how Shelter can resource the community housing sector. If people would like to have an input, she can be contacted at the Shelter office on (02) 267 5733.

Rents steady

In August, the Real Estate Institute of Australia (REIA) reported that house prices were increasing, but confirmed that this had not yet affected the rental market.

The Rental Bond Board reports that rents in N.S.W remained steady in the June quarter '93. There was no change in median rents for two bedroom dwellings, a marginal increase for one bedroom units and a small fall in rents for three bedroom dwellings.

Sydney has a vacancy rate of 3.7%, an increase of .08% on the previous quarter. Although still lower than other capital cities, the higher vacancy rate has been significant in keeping rents down.

Although tenants in N.S.W have experienced steady rents for over a year, tenancy legislation remains inadequate to protect housing affordability. Rent prices can be affected by restricted housing supply, property speculation, "talking ups" of rent levels by groups such as the REIA and property owners, or loss of affordable housing stock to speculation linked to special events such as the Olympics.

Locks and security

Insurance company standards are just one of the things that Tribunal members now consider when deciding whether security is adequate, and they may decide that insurance companies are asking for security standards higher than that required by the Residential Tenancies Act.

Recently, the Chair of the Residential Tenancies Tribunal attended a Tenants' Union training workshop to talk about how the Tribunal decided what level of security should be provided for rented premises.

We have previously quoted a case where a Tribunal member used insurance company standards as the measure, so that if a tenant could not insure his or her contents, the locks and security were not considered to be adequate.

However, the Tribunal does not follow this approach. The Chair, Ray Collins, said that insurance companies' standards were only one guideline, and his opinion is that sometimes their standards are higher than necessary.

Mr Collins said that each case was decided on its own particular merits, and the Tribunal could not provide guidelines on the level of security required in particular suburbs or locations. He said 'community standards' were the measure.

He made the following points about the Tribunal's approach to security cases:-

- A case is won on what can be proven, not just on what is true.
- It is not the landlord's obligation to guard against a determined thief.
- The tenant must prove a causal link between the level of security and the loss.
- The premises don't have to be impregnable.
- Premises must be 'reasonably' safe against risks 'reasonably' expected.
- 'Reasonable' security depends on location and the area. Deadlocks 'may' be required in Bondi, but possibly not in another suburb. Statistical information should be produced in evidence.

Things were getting too fast; too careless; too dangerous. People were breaking up and breaking down. The footpath was dividing and crumbling. He was afraid.



- Insurers' requirements are just one factor taken into account.
- The landlord must take reasonable steps to guard the tenant against loss of personal property.
- If the tenant suffers a loss because premises are not reasonably secure, the tenant is entitled to compensation, provided the tenant has the necessary proof.
- The standard of the security at the beginning of the lease has no bearing on what is considered reasonable security. However, if the tenant accepts premises with inadequate security, this may reduce his or her right to compensation.

Since Mr Collins gave this talk, Tribunal members have reached agreement on a tenant mitigating the tenant's loss. If the tenant does not ask the landlord to improve security and suffers loss through theft, the tenant may be entitled to reduced compensation.

He recommends that tenants apply to the Tribunal to rule on the level of security required, and whether the existing security provided is reasonable.

If the tenant does not take this course, it could be ruled that they have 'acquiesced' (agreed) to the level of security, and the compensation may be reduced if allowed at all. This is regardless of the fact that many tenants may be fearful of a 'no-cause' eviction or intimidation by the landlord or estate agent.

Mr Collins recommends that if going to the Tribunal tenants should be well prepared to prove their case. For example, tenants should find out if there is any history of robbery of the premises they rent or surrounding premises, which the landlord should have known about.

The Tenants' Union has some concerns about the Tribunal's position:

1. The Tribunal does not have guidelines for what it considers adequate security in particular locations, and each case is considered individually and according to the evidence provided. Therefore, it is difficult for tenants and landlords to know what locks and security the landlord must provide.
2. As insurance company standards are not accepted by Tribunal members as the standard for security required, tenants may be unable to insure their homes' contents. This could expose tenants to very high losses through break-ins and possibly no legal protection. The Tribunal's Chair recognises that this is a real problem.
3. There is also the problem of 'mitigating' the tenant's loss. Commonly, cases occur where a landlord refuses to improve security and the tenant is unaware of the Tribunal, or is too intimidated by the real threat of a 'no-cause' eviction to take the matter to the Tribunal. The Tribunal may then reduce any future compensation to the tenant because it feels the tenant did not 'mitigate' his or her loss, or has 'acquiesced' to the inadequate security. Most tenants are unaware that this could occur.

It appears to the Tenants Union that the Tribunal is not taking into account the fact that retaliatory evictions are a real threat, making Tribunal applications risky at times, and that most tenants are unaware of the Tribunal's existence. It also appears that it may hold the tenant in some way responsible for the landlord not meeting his or her legal obligations.

Some housing statistics in Australia

- * 70% of people live in owner occupied housing
- * 20% are accommodated in the private rental market
- * 6% live in publicly owned dwellings
- * 4% (or some 650,000 + people) are housed, or not housed, in other forms of accommodation (e.g. caravans, institutions, homeless).

National Housing Strategy, 1991 Issues Paper 1 Australian Housing: The Demographic, Economic and Social Environment AGPS

- * Almost 225,000 households are on public housing waiting lists across Australia. In 1983, 123,000 households were on public housing waiting lists.

Department of Housing and Community Services 1992: Annual Report 1991/92 and 1990/91

- * In 1991, the total stock of public housing units in Australia was 351,900.

Department of Health, Housing and Community Services (HHCS) 1991: Annual Report 1990/91

- * The Federal Government has estimated that current funding for public housing will increase the number of public housing units in Australia to 400,000 by the year 2,000.

Howe, Brian: Housing Choices For a Changing Nation - Budget 1992/93 Dept HHCS. 1992

- * Between 1980 and 1991, the number of public housing applicants increased by over 100% while allocations increased by 32%.

Neil, Cecily and Fopp, Rodney: Homelessness in Australia: Causes and Consequences CSIRO/ VIC MAC on Homelessness and Housing 1992

- * The level of funding through the Commonwealth/ State Housing Agreement has fallen by 39.3% in real terms since 1986/87.

Australian Council of Social Service: Federal Budget Briefing Kit 1992/93. 1992

South Sydney Festival

It was that time again! The annual South Sydney Festival, held in Redfern. This year it took place on 23rd October - and it was bigger than ever!

With two blocks of Redfern closed off especially for the festival, artists like Archie Roach, the Bangarra Aboriginal Dance Theatre and other local talent took to the stages and performed much to the delight of the hundreds of people who came to be part of the celebrations, a social event within itself. Young and old indulged in a day of song, dance, food and art. From exotic foods to Koori pottery, the stalls were full of things to see and buy.

The Tenants' Union were eager participants of the day and had nine volunteers set up a stall directly beside that of Redfern Legal Centre, where information about tenants' rights was readily available. The festival was a great way in which the aims and purposes of the union were conveyed to tenants who were otherwise often unaware of us. This was important, seeing as South Sydney has such a high rate of tenancy. Hundreds of brochures were handed out, and books and T-shirts sold raising the profile of the union, while most importantly free tenancy advice was given on the day.

Late news: The stall at Newtown Festival was also a great success and great fun.

Rental bond interest change

The NSW Minister for Housing, Robert Webster said in early August that surplus money held by the Rental Bond Board would be used for "housing projects". It has since been ear-marked to bail out Homefund.

The Second Mant Report recommended that tenants receive all the interest the Bond Board earned on bonds. It has recently been announced that the Rental Bond Board will pay slightly more interest to tenants on their bond money held by the Board. Tenants will receive the highest bank interest rate paid by banks for non-fixed term deposits at \$1,000. **This is currently 3%.** Before, tenants were paid a slightly lower mid-rate.

Tenants' Union's Local Tenants' Services model

In the aftermath of the abolition of the statewide network of tenants advice services, the Tenants' Union has been developing an alternative model for the establishment of community-based tenant services. The model is based on establishing up to 12 tenant services throughout NSW attached to existing community organisations active in tenant advice, such as community legal centres. An advantage of this approach is that existing centres have administrative and accountability mechanisms in place. Although these services would be independent, the Tenants' Union would resource them in a variety of ways to assist them provide an efficient and effective service.

Since the last issue of Tenant News, the Tenants' Union has met with the Minister for Housing, Robert Webster, to discuss our model. The feedback has been relatively positive, but we have been advised that the Minister will not be considering the matter further until he has had an opportunity to consider responses to the Mant Report on this issue. In the meantime, we have held further meetings with key stakeholders in the community sector to ensure continued support for our approach.

SO - GET OUT THOSE PENS!

If you are fed up with recorded tenant "services" (try ringing 229-0011)
If you can't get onto anyone who can assist you
If you believe tenants need local, community-based tenant services

WRITE TO:

The Hon. R. J. Webster MLC
Minister for Housing, Planning and Urban Affairs
Level 12, Westfield Tower
100 Williams Street
Darlinghurst NSW 2010

A short hand written letter is fine - just please do it today!

Computer faux- pas

A computer magazine in Britain revealed recently that an unnamed financial institution does more than simply keep personal information about its customers, and that it probably doesn't pay off...

The institutions decided to target 2,000 of its richest customers, inviting them to buy extra services. One of its computer programmers wrote a program to search through its databases and select the customers automatically. He tested the program with an imaginary customer called 'Rich Bastard.'

An error resulted in all 2,000 letters to the institution's richest customers being addressed "Dear Rich Bastard". The programmer was subsequently sacked. It's not known how many Rich Bastards took up the institution's generous offer.

Now all you need is a brain
to plug it in to.



Tenants' Union sets up Access Committee

Earlier this year, an Access Committee of the Tenants Union was formed, in anticipation of the release of the report 'Migrant Access to Tenants' Services.' The members of this committee include two members of the TU Board, an Aboriginal community worker, a multicultural tenancy worker, and a TU staff member. The committee aims to improve access to tenants' services, and update the TU's policy and practice as regards access.

We have met with the Tenancy Commissioner, The Chair and Registrar of the Residential Tenancies Tribunal and the Managing Director of the Rental Bond Board (and relevant staff) to discuss how their services may be made accessible to tenants of all backgrounds.

Overall, there have been some positive developments, and there is opportunity for more input from the Tenants Union and community organisations to increase migrant access. The Access Committee is now looking at the information that has come out of these meetings, to see how we can co-operate with these organisations, and to consider any other steps that might be useful.

The committee is also implementing the Migrant Access Report's recommendations to the Tenants Union. This has centred on the running of training sessions for Aboriginal and NESB support workers in tenancy, and the consideration of various funding alternatives for access workers.

We would welcome suggestions or participation from anyone interested.

Bond Board newsletter

The Rental Bond Board has a new newsletter called 'Refunds'. Its first issue says that it will be published quarterly, and will include statistics on claims and refunds, how well the Board is meeting its objectives and profiles of workers and their duties.

To receive copies, ring the Board's Information Services Manager on (02) 266 8675.



Workshops 1994

The Tenants' Union will run a series of one-day workshops in April/May 1994. These cost \$ 50 per person.

These workshops help community workers and others to be able to give information and assistance to tenants who are having problems to do with renting. Workers are often asked for advice about tenants' rights and simply don't have the information they need. The workshops give the basic information and show you where to get more detailed assistance.

The one day covers repairs, evictions, bond money, privacy, rent increases, tenancy agreements, standard forms, Residential Tenancies Tribunal, costs and charges, and how to provide tenants' advice. Anyone interested in attending should contact the Tenants' Union on 247 3813. Additional workshops can be organised on request.

Claim bond money by FAX

The return of rental bond money can be made faster by FAXing bond claims to the Rental Bond Board instead of posting them. The FAX numbers are (02) 261 5609 for Sydney or (008) 803 655 for outside Sydney.

Tenants' Unions attacked across Australia

At the National Community Legal Centres Conference in Brisbane this year, NATO* members held a special day long meeting. A common theme was funding cuts to tenant organisations where conservative parties had gained power at the state level.

NSW TU was first cab off the rank with the closure of the statewide network of 22 community-based tenant services and the loss of 60 workers in 1989 after the Greiner government came to power.

Vic TU came next with a 35% cut to services and the rejection of the plan to establish a centralised Bond Board to protect tenants' bonds after the Kennett government came in.

This year, WA Tenant Advice Service had funding cut by 25% following the election of the Court Government. This has seen advocacy cut back a day and phone advice reduced to 12 hours per week.

Tas TU is still only funded for a part time worker, yet has seen an 80% increase in enquiries this year. Its tenancy laws are still literally locked in the feudal age despite reform promises by both political parties when in power.

Queensland TU was in the midst of some heavy negotiating at the time of the Conference. It risked losing around 80% of its funding (fortunately, this crisis has since been averted).

The one bright spot in this depressing national overview was that ACT TU is likely to receive funding for the first time later this year.

The meeting dealt with a range of issues including public housing evictions, a Tenants Rights Charter, the Industry Commission Inquiry into Public Housing, the mooted Commonwealth Consultancy into state and territory tenancy legislation, and the expansion of the community housing sector. NATO wrote to the Federal Housing Minister, Brian Howe, conveying our concern over several of these matters.

** National Association of Tenant Organisations*

Tenants' rights charter

To mark International Tenants' Day on the 4th of October, tenants' organisations around Australia called on the Commonwealth government to establish a tenants' charter sanctioning rights to affordable housing and a fair deal. A national Charter going beyond state/territory legislation is essential if tenants are to be guaranteed just and equitable treatment in all parts of Australia.

The Commonwealth government - as a signatory to the International Covenant on Economic, Social and Cultural Rights as well as the International Covenant on Civil and Political Rights - has a legal obligation to ensure tenants rights are sanctioned.

The Charter should adopt the key elements of the protocol adopted by an international Congress held in Italy in 1985 and incorporate provisions to prevent discrimination, provide security of tenure, protect tenants' quiet enjoyment and use of rented premises and establish fair dispute resolution mechanisms.

Recent government reports by the National Housing Strategy and the Industry Commission have confirmed that tenants regularly confront discriminatory practices and suffer the highest incidence of housing need, but enjoy little legislative protection. One in four Australians are tenants who rent their homes from either private landlords or public housing authorities.

By establishing a Charter the government would give force to existing policy that seeks to ensure all Australians have access to adequate and secure housing. NATO has written to the Deputy Prime Minister and Minister for Housing, Mr Howe, seeking a meeting to put the case for a national Charter.

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

No (or low) wage/pension/benefit	\$8
Waged worker	\$15
Organisations	\$30

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 _____

Calendar of Tenants Union events

Dec 3	TU End of Year Party
Feb 13	Mardi Gras Fair. TU information stall
Feb 14	Tenant News articles deadline
Feb late	Workshop for aboriginal workers

Opportunity for Volunteers

Western Sydney Tenants' Service (WESTS) seeks activists on a voluntary basis. You will be trained in giving tenants' advice.

If you are available on Fridays for 2 hours (and at a later date on Tuesdays or Thursdays), live in the Western Suburbs and have an interest in social welfare, law, community work and/or politics, please ring 891 6377 and ask for Sundar.

Students or intending students of the above disciplines, persons seeking employment in these professions or aspiring activists are welcome to apply.

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