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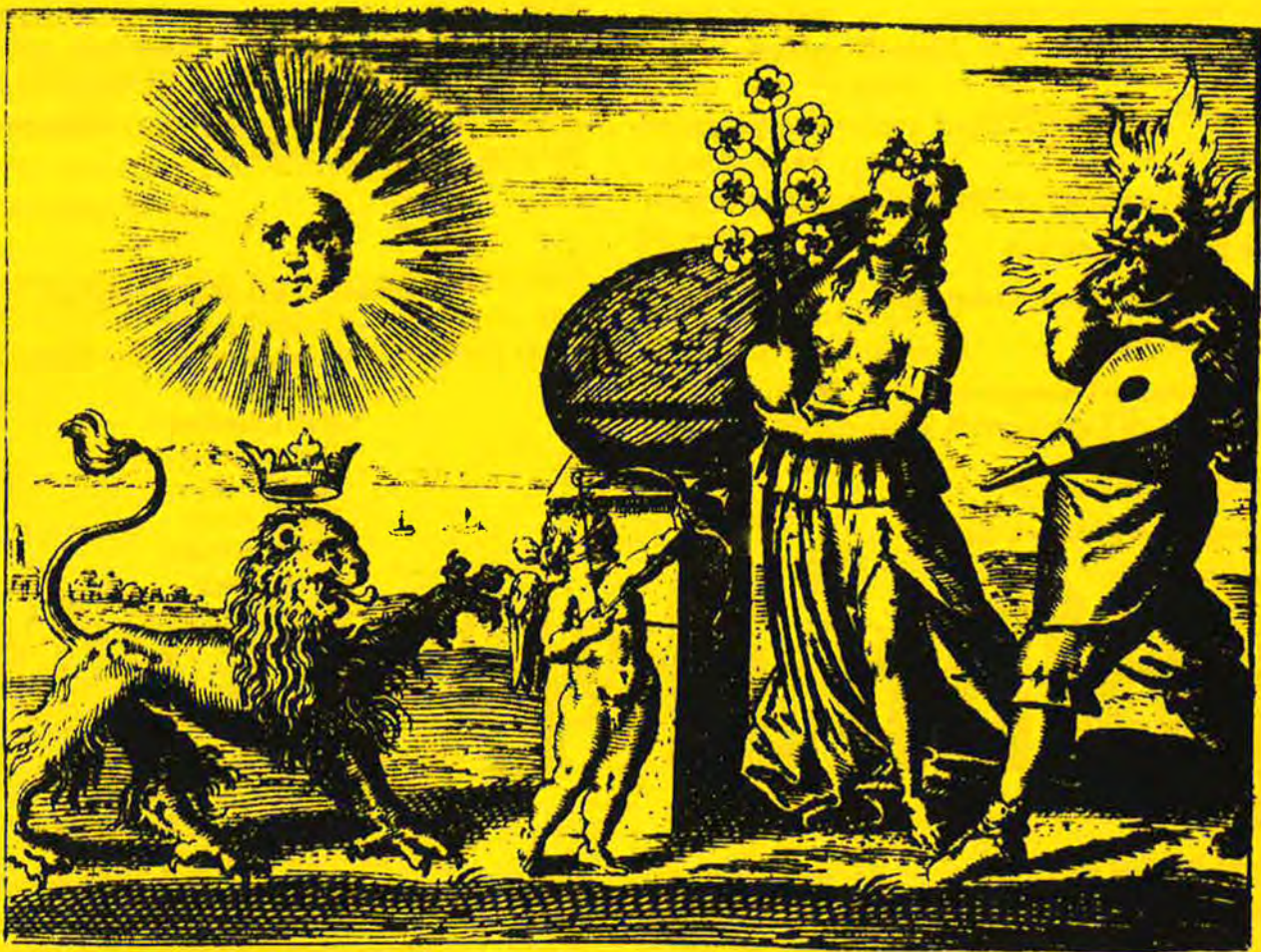
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tenant

NEWS

No. 53 NSW APRIL 1995

NEW DAWN ISSUE



INSIDE

WHO GOT TAAP FUNDING

ABORIGINAL SERVICES

CARAVAN LAW

NEW MINISTERS

TENANT ADVICE TIPS

NEW QUEENSLAND LAW

Contents

Who got TAAP funding	3
TAAP funding: who's waiting	3
New Ministry, new Ministers	4
TAAP's future	4
Some ALP housing policy	5
Speech	5
Aboriginal services	6
New people in new jobs	6
NSW: no tenancy law reform yet	7
New caravan law	7
New Queensland tenancy law	8
Battle in South Australia	8
Olympics impact report	9
Property sales kick-back inquiry	9
Shelter's rebirth	10
Community Housing infrastructure	10
Your NSW housing facts	11
Training for police	11
Charities inquiry	12
Community Services Commission	12
Howe's housing idea	13
Membership fees due	13
New Zealand housing disaster	14
A morality tale	14
Tenants adviser tips	15

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 procedures affecting tenants and have worked to increase awareness of tenants rights.

The Tenant News is our regular publication. We welcome articles and feedback.

The current Board of the Union is:

Donna Baines
Mary Duxson
Tim Childs
Sarah Crawford
Katy Jenkins
Beth Jewell
Sandra Koller
Catherine Stuart
David Vaile
Rita Wilkinson

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Who got TAAP funding

The first nine organisations to run regional services under the Tenants Advice and Advocacy Program (TAAP) have been chosen by the previous Minister for Housing. By region, they are:

Congratulations all round. These organisations are now employing staff and working to establish their services. ECHO, North Sydney and Western Sydney are already operating tenants' services. The other services will be open around May.

We have visited the nine organisations and talked to them about training, resources, and other assistance we may give in helping them set up.

East Sydney
ECHO Neighbourhood Centre
Inner Sydney
Redfern Legal Centre
Inner West Sydney
Marrickville Legal Centre
North Sydney
North Sydney Tenants Service
South West Sydney
South West Sydney Legal Centre
West Sydney
Western Sydney Tenants Service
Hunter
Hunter Legal Centre
Illawarra/South Coast
Illawarra Legal Centre
Western NSW
Orange Community Resources Organisation

Who's waiting: TAAP funding

Decisions have not yet been made about who will receive funds under TAAP for the Southern Sydney, Central Coast and North Coast regions, or the specialist caravan park service.

Tenders for Southern Sydney and North Coast closed early February and decisions should be made shortly. A decision on the caravan service is also due.

A decision on Central Coast will take slightly longer as there was some debate over the tendering process. In the first round no organ-

isation was successful. The same thing happened in Southern Sydney and the North Coast and in those regions it was readvertised for tender.

On the Central Coast, however, an unsuccessful Hunter-based applicant was asked to tender, and it was not left open for other groups to reapply. This caused considerable discussion on the Central Coast, and the Ministry has now decided to re-advertise that region for public tender also. So Central Coast will take that little bit longer to receive funding and establish its service.

New Ministry

New Ministers

The latest information is that the new Office of Real Estate Services (ORES) has been moved from the Ministry of Housing to the Ministry of Consumer Affairs. The Tenants Advice and Advocacy Program (TAAP) is administered by ORES, and so TAAP also shifts to Consumer Affairs. ORES also includes the old Rental Bond Board, government Tenancy Service and Strata Titles and Tenancy Commissioner's Office.

The new Minister for Consumer and Womens Affairs is Faye Lo Po, and the new Minister for Planning and Housing is Craig Knowles. The Tenants Union will meet with these new Ministers soon to introduce ourselves.

TAAP

Program's FUTURE

The Tenants Union met with Deirdre Grusovin, MLC, late last year before the elections while she was Labor's Shadow Minister for Housing. At that meeting Ms Grusovin confirmed that the NSW Labor Party would continue to fund TAAP if elected to Government.

Ms Grusovin and the Labor Party, along with independent MPs, actively supported the decision to fund the Program. However, such commitments are always important in that they help guarantee the long-term survival of such Programs, and give people involved the confidence to plan for the future.

Given that TAAP was established under a Coalition government and supported by Labor and Independents, its future appears secure as long as it is well run and effective. At the very least the Program is guaranteed to June 1997 under the terms of funding contracts.

HALPS IN G policy

Residential Tenancies Tribunal: "A Labor Government will ... return the Residential Tenancies Tribunal to ... the Minister for Consumer Affairs; examine current procedures to ensure that the Tribunal is providing an efficient and equitable service; allow tenants the right to be represented by others at Residential Tenancies Tribunal hearings.

Tenancy Advice Service: "...the Tenancy Advice Service will be adequately resourced." Before the election the NSW ALP also committed itself to "...maintaining and where possible expanding the level of funding to public and community housing (and to ensure Commonwealth funded programs are fully spent."

speech **Resourcing Unit** L A U N C H

Selected passage from the speech given by Patricia Forsythe, Liberal MLC, at the launch of the Tenants Union's TAAP Resourcing Unit

"While the Residential Tenancies Act provides important and appropriate rights for tenants, this is of little consequence if tenants do not have the necessary support mechanisms to convert them into reality. The Government has provided funding of \$2.2 million per year to ensure that all tenants, whether in metropolitan or country areas, or in private or public housing can have access to community based bodies for advice and advocacy.

"The resourcing body will act as a conduit in directing legislative and policy issues to the Government to assist in its monitoring and assessment of residential tenancy laws. As a

resourcing body, the Tenants Union will also have an important role to play in providing education and training resources to each of the generalist and specialist services. It is an exciting venture and one which I am confident we will be able to look back on as a fitting and necessary progression in the provision of services to NSW tenants.

"The total residential tenancy population of NSW is estimated to be in the vicinity of 1.7 million. That is a large segment of our state's community so the program's target group is a substantial proportion of the public.

I congratulate the Tenants Union on being chosen as the resourcing body and extend the Government's best wishes as today's launch takes place."

Aboriginal SERVICES

There will be three one-worker Aboriginal Tenants' Services set up under TAAP. One each in the North, West and South of NSW to provide tenants advice and community education. There will also be an Aboriginal resource worker based in Sydney, which will have a developmental and resourcing role with the three direct Aboriginal services, and promote Aboriginal access to the generalist TAAP services.

There is to be no Aboriginal Tenants' Service to do case work for Aboriginal tenants in Sydney. The Ministry has decided that metropolitan Aboriginal tenants will use generalist services. This is probably a controversial decision.

Consultations have been completed for these four services and the Ministry has advertised for funding applications. It is expected these services will be established sometime after July this year.

Meanwhile, the Tenants Union has received funding from the Commonwealth Government to carry out a Community Education Project for Aboriginal tenants in NSW. This is a ten month project which will look at the information Aboriginal tenants need, and the best ways to provide them with that information.

Pilot programs will be run for metropolitan and rural communities. A worker will be employed by April and will be based at South Sydney Aboriginal Resource Centre. The information and community education strategies produced by this project will be available to the new Aboriginal tenants services to be set up under TAAP.

We
People
We
Jobs

New workers at the Tenants Union are:

Toni Brown
Program Development Officer.
Merlyn Vastrad
NESB Access Officer.
Vo Phuong Duyen
Administrative Assistant.
Jennifer Connolly
Solicitor.

We also have also new board members:
Mary Duxson, Donna Baines and Tim Childs

Meanwhile, the Office of Real Estate Services (ORES) has appointed its Liaison Officer for the Tenants Advice and Advocacy Program (TAAP). He is Colin Shipway, and his phone number is (02) 229 6116.

We would also like to welcome Joy Brooks to the position of Client Service Manager at ORES. Joy has worked for many years at the Rental Bond Board and Department of Consumer Affairs.

NSW *no tenancy law reform*

y e t

On the 1st of December 1994 Clover Moore, Independent MP, introduced the Residential Tenancies (Amendment) Bill to NSW Parliament. If passed, this would have established model tenancy legislation in this State, but it didn't happen this time.

Parliament closed on 2 December and this and other Bills lapsed. There was controversy over statements made by Deirdre Grusovin in Parliament, which led to her resignation as

Shadow Minister for Housing. This took up limited Parliamentary time and the time of Clover Moore.

When she introduced the Bill, Clover Moore recognised the support of the Tenants' Union in helping prepare the model legislation. The bill must now wait for the new Parliament. Its chances of success now rest with the new Minister for Housing and the minor parties in the new NSW Upper House.

NEW CARAVAN LAW FOR NSW

NSW now has a Residential Tenancies (Caravan Parks and Mobile Home Estates) Amendment Act 1994.

In November there was intense discussion on the proposed legislation between caravan tenant organisations, resident groups, industry representatives and the Combined Pensioners and Superannuants Association. The Tenants Union advised the caravan resident groups in these discussions.

A compromise Bill was introduced by Labor, with the support of the Independents. The Liberals then introduced their own Bill, which with some reservations was actually stronger than Labor's. Proposed amendments were largely accepted by the Government and

passed on December 2, and came into effect on 1 March 1995.

The new Act only covers residents on rented sites in caravan parks where the site is their principle place of residence, and they own a manufactured home or caravan with rigid annexe on the site. For these people there is now much greater security of tenure. The new Act does not cover people who rent the van/mobile home as well as the site.

Those people covered by the new Act now have greater "security of tenure." For example, they must be given 180 days' notice of termination if the owner has to change the use of the Caravan Park and there is no fixed term agreement. This period is 12 months on Crown reserve land.

QUEENSLAND TENANCY LAW

FIGHT

over South Australian bill

Queensland's new tenancy law came into effect on 1st March 1995 and it will cover all tenancies within 6 months. The new Act is a mixed blessing as it has some important gains for tenants, but its difficult to understand and use.

Many reforms proposed by Queensland Tenants Union were not included. The law is quite complicated and procedures are formal and difficult, so tenants will need a great deal of advice and assistance to enforce their rights. But some important gains for Queensland tenants are:

- The law now protects public housing and caravan park tenants
- All tenancy agreements must be written and include a standard statement explaining tenants rights
- Termination is allowed in cases of extreme hardship
- Fixed term agreements become "periodic" (continuing) tenancies if not terminated
- 2 months' notice must be given for eviction "without cause" if there is a periodic agreement

As expected, Queensland TU has been in campaign and lobbying mode as the Bill was drafted, introduced, debated and passed through their Parliament. It looks like they did a professional job. They tell us they still have a way to go to get fair rent laws for tenants in their State, and we certainly know how they feel.

SOURCE: SA TENANCY REFORM ALLIANCE

South Australia's Liberal Government has drafted a new bill which would take away tenants' legal rights in that State. However, it is facing very stiff opposition in the Labor-controlled upper house of Parliament, and so may not become law there.

The present SA tenancy laws are held up by tenant organisations as a model for law reform in other States, so if this Bill was passed it would be a big step backwards for tenants. The new South Australian bill:

- * Wouldn't provide protection for public tenants, boarders or caravan park residents.
- * Would place the present Residential Tenancies Tribunal under the Court Administration Authority. Dispute resolution would become more formal and intimidating.
- * Would state that Landlords would only have to give 7 days notice to a tenant to "remedy a breach", and then if not remedied, just 7 days notice of termination.

We wish South Australia's Tenancy Reform Alliance the best of luck in killing this proposed new law stone dead.

Olympics

Social Impact Report

The Preliminary Social Impact Assessment of the Sydney 2000 Olympic and Paralympic Games (prepared by Keys Young) was released by the then Premier John Fahey on the 19th of February. The preliminary report has received some favourable responses from community organisations. The Tenants Union has had input into the process and will continue to monitor the outcome. We draw your attention to Recommendation 14:

"That a working group, possibly Chaired by

the Ministry of Housing, Planning and Urban Affairs and including Local Government and non- government representation, be established in early 1995 to consider and report on the housing and accommodation issues raised during this study (see section 3.3). Such a group would aim to ensure that any possible negative impacts in relation to housing are anticipated and carefully monitored and would be responsible for recommending to government strategies to ensure the best possible housing outcomes."

PROPERTY

SALES

investigated

Sydney real estate agents paid kickbacks to a public servant to win business selling surplus property of the Roads and Traffic Authority (RTA), according to allegations to be investigated by the Independent Commission Against Corruption (ICAC).

ICAC Assistant Commissioner Bruce Oslington, QC, will commence public hearings ... into how RTA officers handled the property sales over the past five years.

The Public Service Association (PSA) claims

the alleged corruption took place after the State Government contracted out RTA property operations, originally handled in-house by public servants, to real estate agents.

PSA members fear an adverse finding against a few "bad apples" would be used by the Government to abolish the property branch. The inquiry will determine whether the conduct of RTA staff under investigation was corrupt in dealing with "a number" of real estate agents over the sale of several dozen properties.

SHelter NSW

sets up office

As reported in the last Tenant News, Shelter NSW has been refunded after 6 years and is now re-establishing itself as a peak body across the housing sector in NSW. They are now defining their role and priorities: a popular phrase with them at the moment is "Housing policy think tank."

The new workers began in February and are:

Rod Plant

Executive Officer

Vanessa Whittington

Field Liaison

Heidi Nelson

Administration

Their office and postal address is:

Suite 2, 4th Floor
377 - 383 Sussex St
(Labor Council Building)
Sydney 2000

Phone: (02) 267 5733

Fax: (02) 267 5001

They are concentrating on six main areas:

- providing information to the housing sector
- stimulating policy development, debate and input
- assisting in the development of regional structures
- promoting greater integrity and co-ordination within the housing sector
- developing an efficient and effective organisation
- providing specialist services to support the sector.

Community HOUSING *report* Infrastructure

SOURCE: "AROUND THE HOUSE" APRIL 1995

Publication of Shelter NSW

This report was prepared for the NSW Ministry of Housing and Planning by Brian Elton and Associates, and looks at "infrastructure" for community housing in NSW. It was released in March and its recommendations include:

- setting up a "Community Housing Agency" as a Statutory Authority independent of the Ministry and reporting direct to the Minister. It would have a Board with no government officers.
- The Agency to have at least one staff person per Department of Housing region.
- Community Housing organisations would have a new form of incorporation and would hold title to their properties, with some limitations.
- The Association to Resource Co-operative Housing (ARCH) and the NSW Federation of Housing Associations (NSWFHA) are generally supported in their roles.

your NSW

HOUSING

FACTS

SOURCE: NSW DRAFT HOUSING ASSISTANCE PLAN

- New South Wales has the highest population of all States and Territories in Australia. In 1993 its population was 5.99 million.
- In 1991 42.8% of NSW households were lone person or sole parent households. Couples represented 22.9% whilst couples with children represented 39.4% of households. This trend towards smaller households is expected to continue.
- NSW continues to absorb over 40% of overseas settler arrivals.
- Home ownership is still the dominant tenure in NSW. At the 1991 Census 65% of dwellings were owned or being purchased.
- Of the 25.9% being rented 5.7% were being rented from the Department of Housing. A small proportion were caravan parks.
- Median prices for established houses in Sydney continues to rise from \$187,300 in the March Quarter 1994 to \$196,100 in the June Quarter 1994. Compare this price with \$176,600 in the June quarter 1993!
- In NSW approximately 210,00 people receive rental assistance from the Commonwealth.
- The total number of households on the Department of Housing waiting list at June 1994 was 86,589.

training

POLICE

The Tenants Union has been helping out the NSW Police Service. We have put together an information package on "Police and Tenants' Rights in NSW" for their Distance Education Centre at Goulburn. Our main contact there was Sergeant Lesley Dickins.

This information package will be used as part

of the training for NSW police officers. By providing information on tenants' rights and "best practice" for police, we hope that police will be better informed when they have to intervene in tenancy disputes, and so tenants rights will be upheld. Police are commonly called during evictions (legal and illegal) and arguments over access and privacy.

Inquiry into CHARITABLE ORGANISATIONS

Here are some of the draft recommendations of the Industry Commission Inquiry into Charitable Organisations. On the whole these appear quite reasonable.

- Funding agreements should be for multiple years, be legally enforceable, and have streamlined accountability provisions and built-in dispute resolution procedures.
- Funding agreements should take into account the full cost of providing a service including overheads, training for staff and volunteers, research, development and evaluation.
- Service providers: applications by open tender, simple and standard information in applications, clear selection criteria, clear processes and ability to find out why unsuccessful.
- Tax deductibility of donations: should be retained, extended to all Community Social Welfare Organisations and have no \$2 lower limit as currently the case.
- Fringe benefits tax: the exemptions currently applying to organisations recognised by the tax office as Public Benevolent Institutions should be removed.
- Best practice: the Commonwealth Government should fund the establishment of a pilot best practice program for the sector.
- Accreditation and quality management: governments, in conjunction with the sector, should develop a system on which future funding will be conditional.

community SERVICES commission

The Community Services Commission has been formed to put the new Community Services (Complaints, Appeals and Monitoring) Act into action in NSW. There is also a Community Services Appeals Tribunal and Review Council.

It is an independent form to investigate and resolve complaints by people about community services. It covers government and non-government Services. The NSW government hopes that most cases can be handled informally. The Commission can be contacted on: (02) 384 4999 or toll free (1800) 060 409.

Howe's *housing* reform IDEAS

The Deputy Prime Minister, Mr Howe, has proposed a Housing Reform Package that would mean low income tenants pay no more than 30% of their salary on rent. It will be interesting to see the details of how it will work. The proposal includes:

- Rent assistance for private tenants to complement public housing.
- An "affordable benchmark" so that no more than 30% at low income salary is paid on private rental.
- Options to give low income tenants access to home ownership, including shared home ownership and co-operative housing.

ANNUAL *General* M E E T I N G

The 1995 Annual General Meeting of the Tenants Union of NSW will be held on Friday May 12, 6pm, at the Tenants Union office at 68 Bettington Street Millers Point.

All members are invited to attend. On the night the Annual Report will be delivered, Board and executive elected, and there will be a social afterwards.

MEMBERSHIP FEES *due*

Dear Tenants Union members,

your yearly fees are now due. Our members are very important to us, and your fees help pay for printing the Tenant News. A renewal form is on the back of this newsletter. Thanks very much for your support.

New Zealand *Housing* GUTTED

SOURCE: GARTH NOWLAND-FOREMAN

IMPACT February 1995, publication of ACOSS

The New Zealand government has been embarrassed by the release of an official report revealing 20-30,000 households living in substandard, overcrowded or temporary accommodation, or in homes they cannot afford.

The report comes at a time when the government is under sustained criticism from community welfare organisations and churches for persisting with the final stages of its plan to put all public housing on full market rents with no rebates, though some

low income people may be eligible for the equivalent of a modest rent assistance.

Food banks and financial budgeting organisations have identified the rapid rise in housing costs for low income people as one of the major causes of debt and impoverishment. The government's plan has cut total housing subsidies to low income people and spread the funds more thinly across a wider group-private renters and home purchasers as well as public renters.

13,000 households, about half of households identified as in serious trouble in the report, are estimated to be in unaffordable accommodation. This is defined as housing costing more than 50 per cent of the total household income

A *moral*ity tale

SOURCE: 2GB NEWS 1 NOVEMBER '94

A devoutly Christian landlord has been foiled by the Alaskan Supreme Court. The court has ruled that it is discrimination to refuse rental to an unmarried couple, despite the landlord's defence that he has justifiable religious

grounds. He says he does not want to encourage "sin."

The Tenants Union's only comment is to ask: what is a greater sin than being denied a roof over your head?

TIPS for tenants advisers

The Tenants Union has been running training for the new TAAP workers. Some interesting information has come out of that training, and we include some below for people's general information.

- * Boarders cannot be evicted until their rent is due. In other words, if rent has been accepted up until and including Thursday they can't be legally evicted until the rent actually falls due on Friday. Also, under contract law if a boarder pays rent every 7 days they have to be given 7 days to leave. But these periods of notice can't be enforced. All the boarder can do is claim damages through the Consumer Claims Tribunal or local court. Boarders can be evicted by the owner, they don't have to go to a Tribunal first.
- * The landlord is obliged to maintain heating equipment if it is presented as being part of the premises at the start of the tenancy. So if you are led to believe when you sign the agreement and move in that there is heating and it works, the landlord has to repair it if it turns out that it doesn't work or breaks. The same goes for other repairs.
- * With bond disputes in the Tribunal the onus is always on the landlord to prove their case, because it is the tenant's money. In all other matters the onus of proof is on whoever makes the application to the Tribunal.
- * It is illegal for a landlord to put in an additional term in the Tenancy Agreement that the tenant has to pay for steam cleaning at the end of the tenancy. The possible fine is \$2,000.
- * You cannot FAX in applications for a Tribunal hearing, as you have to pay the application fee. So applications must be posted or lodged in person to the Tribunal Registry.
- * Witnesses can speak at an informal hearing but can only be summonsed to a formal hearing.
- * Nowadays the Tribunal appears to be fairly amenable to allowing tenants before the Tribunal to be represented by a tenants adviser - at least where the issues are complicated.
- * With Department of Housing properties there could only be restrictions on the use of common areas if these were spelt out as additional terms in the Tenancy Agreement. With a Company Title property it would have to be included in the relevant by-laws.
- * Where there is a high bill for services because some repairs are needed, the landlord is responsible once they are aware that the repair needs to be done. For example if there is a high electricity bill because of a faulty hot water system, the landlord is responsible for the extra electricity costs from the time that he/she is aware that the repairs are needed.
- * But unfortunately the tenant has to pay the extra bill up until the landlord is informed or should have been aware of the problem. Even if there is no way the tenant could have known about the problem until the high bill came in.

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

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Donation _____

Receipt No _____ Membership No _____

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