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tenant

NEWS

No. 54 NSW August 1995

SOLAR EDITION



I N S I D E

\$\$ OLYMPIC\$ • PROFILE OF A TAAP SERVICE •
TAAP NEWS • LEGAL EAGLES • WORLD NEWS •
HOUSING REPORT • T.U.'S MODEL LEGISLATION •
• TAAP CONTACTS •

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 we 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 :

Sarah Crawford (Chairperson)
Rita Wilkinson (Treasurer)
Beth Jewell
Sandra Koller
David Vaile
Catherine Stuart (Secretary)
Mary Duxson
Donna Baines
Sunila Srivastava
Nick Warren
Catherine Clayton
Mark Gibbons

Staff of the Union are:

David Ramsay (Policy Officer)
Paul Mortimer (Training & Resources Officer)
Toni Brown (TAAP Program Development Officer)
Merlyn Vastrad (TAAP NESB Access Officer)
Jennifer Conley (T.U. Solicitor)
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Koller

IDEAL FOR
NESTING, MADAM.
THE LAST OWNER WAS
THRILLED TO BITS.



T.U. VIEW

DEAR READERS,

As you can see from this 'bumper' issue of the Newsletter, we have been busy collecting and writing articles.

Of particular concern at the moment is the impact of the 2000 Olympics on rental prices and accommodation. As a result the T.U., in full pro-active mode, proposed substantial changes to the Residential Tenancies Act to safeguard tenants. More on this on page 5.

We have also been searching the Internet for information on the Atlanta Olympics and have already come across some evidence of the \$\$\$ madness gripping people in Atlanta. Then, just as we thought this can only happen in America, we find it's beginning to happen here too! (see p.4&5 for more)

On a nicer note, for the first time we are featuring a profile of a Tenants' Advisory Service. The people from the Hunter kindly volunteered to write the first profile. We are hoping to make this a more regular feature of the Newsletter. So, a message to all the other TAAP services, get your pens ready you might be asked next !!!

Our very own Paul Mortimer, Training & Resources Officer extraordinaire, is this very moment frolicking around Ireland. To fill the three month gaping hole he created, we have employed Regina Böhler, Easts's NESB worker, (temporarily on hold) as his Locum. Paul will be back in September.

Koorie Project based at the T.U.

The Tenants' Union of NSW is currently auspicing a Commonwealth Department of Housing and Regional Development funded pilot project. The project is aimed at identifying the tenancy education needs of two Aboriginal communities (Redfern and Grafton), producing and trialing tenancy education resources and producing a report on the projects findings.

Lana Mundie has been employed by the Tenants Union and is based at the Aboriginal Resource Centre, South Sydney Community Aid, an organisation that has been a long term volunteer on the Tenants' Union Hotline.

Lana brings with her extensive experience working in the Koori community and also a great deal of enthusiasm. The project will provide the Tenants' Union with education resources that will be of specific use when working with Koori people.

Lana can be contacted on ph 319 4073

The project has a life of 10 months and is due to be completed in February 1996.



\$ Greedy Greedy Olympics \$

The Tenants' Union is gathering articles on the Olympic\$, the madne\$\$ has definitely begun !

The Tenants' Unions tentacles have tapped the Internet, and 'lo and behold' ads have appeared offering private homes in Atlanta for the 96 Olympic Games. Here are two example as they appeared on the Internet (except for the full email address)

From: dbrodeur @ email
 Subject: Rental ONE MILE from Olympic Stadium
 Date: Thu,22 Jun 1995 07:45:10-0400
 Atlanta: Private Home for rent 1996 OLYMPIC GAMES IN ATLANTA
 ONE MILE FROM THE OLYMPIC STADIUM
 NO BETTER LOCATION ANYWHERE
 Conveniently located in historic Grant Park one mile east of the Olympic Stadium, this 1500+sq foot bungalow-style home from the turn of the century was recently carefully restored to its original charm and comfort. Wood floors, high ceilings, and large fireplace are a few of the attractive amenities. The home features three bedrooms, and two baths, a living room and a spacious eat in kitchen with modern appliances including a dishwasher. The house has central air conditioning, washer and drier. The front porch and rear deck under shady oak trees are perfect for leisure time and visiting with friends. The minimum rental period will be two weeks at US \$1,800 per night! Call or e-mail today!

From: ccase@ email
 Subject: OLYMPIC HOUSING AVAILABLE
 Date: 27 Jun 1995 14:07: 06 GMT

RENTAL HOMES FOR 1996 SUMMER GAMES IN ATLANTA, GEORGIA (USA)
 We have 20+ homes in historic Grant Park, WALKING DISTANCE to the Olympic Stadium, downtown Atlanta, the Atlanta Zoo and Cyclorama, and other major attractions !
 These beautifully restored Victorian houses, built around 1900, will let you enjoy the true Southern experience while you visit Atlanta during the Olympic Games.
 Price ranges vary, depending on the number of BR/BA and amenities provided (maid service, etc.)

Now if you thought this can only happen in America think again !

The Tenants' Union, in a clandestine operation posing as a property owner, managed to obtain evidence that the \$\$ madne\$\$ has gripped sections of Sydney as well !

PHOENIX TRANS-ACT, a Sydney based company has already been dangling a dollar carrot in front of property owners noses. Although the following publicity blurb only addresses home owners, it is obvious that landlords are the most likely candidates to be tapping into such a lucrative market. What better way to make money ?

THE OPPORTUNITY

Thank you for your interest regarding the opportunity of making your home available for overseas visitors for the Sydney Olympics 2000.

We at
are cur-

private
good
that can
as an al-
to large
The ben-
using
homes
style of
gives in-
tional
more re-
Austral-
of living
be considered their home-away-from-home.



Trans-act
rently
sourcing
homes in
condition
be used
ternative
hotels.
efits of
private
for this
event is it
terna-
guests a
lax ed
ian style
or could

For you the home owner, there are many benefits including the large financial gain in a very short period of time. This contract will add a substantial amount to the price of your property if you are selling.

\$ Greedy Greedy Olympics \$

To proceed one of our consultants will come to the property and assess whether the home could be used and make an offer for the property there and then. Upon your commitment, you would then be given a contract to sign binding both parties to the agreed price. You would be given a list of necessities to be provided at the commencement of the Games.

Trans-act is a service provider. What we will do is supply a Maid Service who will come in each morning and make the beds, supply fresh white linen, tidy the bathroom and supply fresh towels and face cloths, wash the dishes, tidy and dust the house and look after your property and make sure the guests needs are catered to. For this service we charge 20% of the income.

Income I can make

Every property is different. The income paid to each homeowner depends on the position, condition of the home, size of the bedrooms, pool, tennis court, entertainment area and number of bathrooms. On the day of the inspection, our consultant will make you a firm offer. The rate below is an average scale and higher rates can be negotiated for luxury and waterfront properties.

1 Bedroom Flat, House or Unit	\$12,600 for 3 weeks
2 Bedroom Flat, House or Unit	\$25,200 for 3 weeks
3 Bedroom Flat, House or Unit	\$37,800 for 3 weeks
4 Bedroom Flat, House or Unit	\$50,400 for 3 weeks
5 Bedroom Flat, House or Unit	\$63,000 for 3 weeks

For this sort of money, landlords will be severely tempted to evict their tenants. The penalty for an illegal lockout is \$20,000 a sum landlords could easily recoup given these incentives. Even owner occupiers will be tempted to go camping for three weeks. Perhaps someone should invest in tents!

However like all 'get rich quick schemes' some people are likely to get their fingers burned. Not long after the Tenants' Union received the "Phoenix Opportunity" to make lots of money, someone spotted the following article in the Blacktown Guardian.

Be warned !!!

If someone offers you a fortune for the use of your home during the three weeks of the 2000 Olympic Games, be very very, careful.

Some of these offers sound too good to be true because they are, too good to be true that is.

State Consumer Affairs Minister Ms Faye Lo Po has asked her department to investigate a business called Phoenix Trans-Act, which has offered from \$12,600 to \$63,000 each for the three weeks lease of homes.

But according to Ms Lo Po, "This phoenix is rising from the ashes of some previous and notorious failed business ventures. They are the ashes of consumers who got burnt." She said Matthew Howden and Michael Kain (previously known as Michael Helsby-Knight and Michael Knight) were also connected with the failed and disqualified Travel Guide Pty Ltd travel agency, the one that organised the "free" overseas airline scheme.

After travel Guide collapsed, consumers and traders lost more than a million dollars.

Mr. Kain is also facing criminal charges over another failed venture, "Carmercials".

Ms Lo Po was concerned that home owners were being asked to pay \$ 300 up front to "register" their homes and further demands for money could be made in the future. She said anyone willing to use their home as accommodation during the Olympic Games should wait for the State Government to issue its rental guidelines and should seek advice from a solicitor, the Office of Real Estate Services, or a Consumer Affairs service centre.

Be warned.

Even though it looks like this 'get rich quick scheme' has already come unstuck, the Tenants' Union is still concerned about the impact of the Olympics on rental prices and tenants in general.



T.U.'s Response to \$\$ OLYMPICS \$\$

Tenants' Union Model Legislation

In order to prevent the likelihood of large numbers of tenants being forced to go 'camping' during the three weeks of the Olympics, the Tenants' Union is finalising its "Model Legislation". The legislation is aimed at improving security of tenure, providing protection against unjust rent increases and improving the representation of tenants in tribunal hearings.

The "Model Legislation" will be presented to the Minister for Consumer Affairs Faye Lo Po in the coming weeks. The Minister has promised to give the proposals "serious consideration" in lieu of the need for adequate legislative protection to be afforded to tenants in the lead up to the 2000 Olympics.

These moves have attracted media attention. Following are some of the articles which have appeared in the Sydney press over the last couple of weeks.

Proposal makes it harder to evict

Landlords will find it harder to evict tenants at the end of their lease under radical changes proposed for the Residential Tenancies Act.

The proposals, to be presented to the State Government later this month by the Tenants' Union of NSW, follows fears of mass evictions in the lead-up to the Sydney Olympics.

Analysts predict around 603,000 people will visit Sydney during the 16-day peak period of the Games, leaving a shortage of more than 66,000 rooms.

To fill the shortage, the Tenants' Union and other groups believe many landlords would end existing leases to cash in on the lucrative visitor market.

Presently, the Residential Tenancies Act allows landlords to evict tenants at the end of their lease, or with 60 days' notice during their lease with no reason.

But under the proposed changes, renters could

continue to lease the property unless the landlord has a "just" reason for evicting them. Such reason would include the demolition, conversion, renovation, or sale of the property, or a claim of undue hardship suffered by the landlord.

Other major changes would include the landlord justifying rent increases to the Residential Tenancies Tribunal, and representation for tenants where landlords are represented by real estate agents at the tribunal.

A policy worker with the Tenants' Union, Mr David Ramsay, said strengthening security of tenure for those in the private residential market was a major issue in the lead-up to the Olympics. "We have fears there will be wholesale 60-day eviction notices so that landlords can convert their premises into tourist developments to attract lucrative tenants" he said. "The Games could net them huge returns at the expense of other citizens."

But even if the amendments were eventually incorporated into legislation, they would fail to help boarders and lodgers, who are not protected by the present act and are believed to be most at risk of eviction.

A solicitor with the Accommodation Rights Service, Ms Stella Sykiotis, said there was a major concern that boarding house owners would convert their buildings into backpacker accommodation or small serviced apartments. "Nobody is prepared for the impact of the Olympics on Sydney", she said.

"The Government should start co-ordinating a strategy immediately to put in proper tenancy reform to protect people's homes."

The director of community development for North Sydney Council, Ms Jill Napier, said her council was particularly concerned with the impact of the Olympic Games on low-rental accommodation in the area.

Since the early 1980s, nearly two-thirds of boarding houses in the council area had closed, she said.

In an attempt to protect the remaining 60 from closure or conversion as the Olympics approached, the council amended its Local Environment plan last December. "I think there are some strong indicators that the Olympics will mean a trend from boarding houses to short-term tourist accommodation in the area," Ms Napier said.

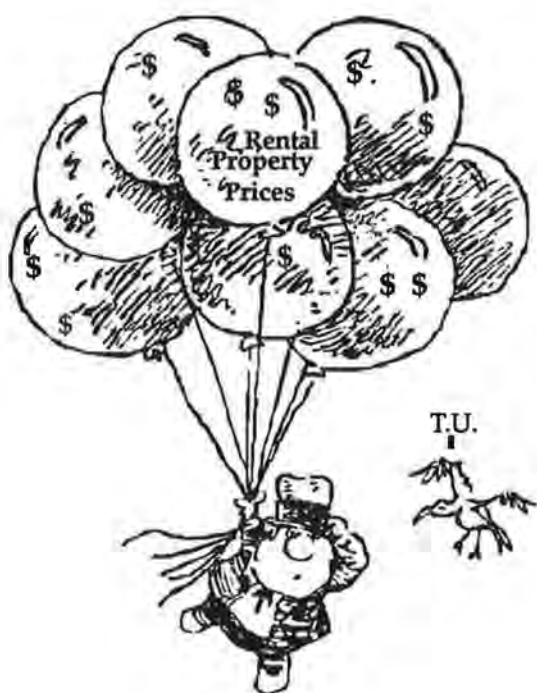


"The changes to the plan mean we could, as a final measure, be prepared to prevent that happening."

Other northern councils, particularly Manly, have expressed strong concern about the predicted social implications of the Sydney Olympics. A spokesman for the Minister of Consumer Affairs, Ms Lo Po, said the Tenants' Union's proposals would be given serious consideration.

But there needed to be more co-ordination between the different Government portfolios involved in residential issues, he admitted.

The Northern Herald, June 22nd, 1995



Safeguards for tenants during games

Sydney's 1.5 million tenants are almost certain to be protected from mass eviction by landlords keen for a slice of the cash bonanza up for grabs during the Olympic Games.

State consumer Affairs Minister Faye Lo Po will meet the Tenants' Union next month to discuss legislation to stiffen the Residential Tenancies Act for the period of the Olympics. A possible scenario is that landlords may have to justify any unfair rent increases or evictions notice to the Residential Tenancies Tribunal.

A spokesman for Ms Lo Po said last night that the legislation was "definitely on the agenda". It would be drafted after consultation with Olympics Minister Michael Knight.

As revealed in yesterday's *Daily Telegraph Mirror*, property owners are already being tempted with offers up to \$8400 a week for a two bedroom home in the Olympic Games corridor.

Tenants' Union spokesman David Ramsay said yesterday now was the appropriate time to enact legislation to prevent a repeat of the evictions that have happened in past Olympic Games, including Atlanta. "It's going to be a very attractive proposition for landlords to turf out their long-term tenants for a lucrative short-term gain," Mr. Ramsay said.

During the 16 days of the Olympics more than 600,000 people are expected to flock to Sydney. This figure is many times higher than the number of hotel rooms available in the city.

Under a submission put together by the Tenants' Union, landlords would need a just reason for issuing an eviction notice. The reasons would be limited to refurbishing the home or unit, sale of the property or hardship.

Daily Telegraph Mirror

National Shelter: The Cost of Housing Report

Poverty : far too high a price to pay

In 1995, far too many Australians face real poverty because they're being forced to pay huge slabs of their slim income in rent - and the facts and figures in this report paint this depressing and unacceptable picture all too clearly.

The proportion of income spent on housing is a commonly used indicator of housing - related poverty. The concept is based on an 'affordability benchmark', a cut-off point at which the amount of income spent on housing is determined to be 'too much'.

In 1992, the National Housing Strategy, a major Commonwealth Government housing policy review, considered the issue of 'how much is too much to pay?'.

The Strategy found that for people in the lowest 40 per cent of the income distribution range, paying 25 per cent or more of gross income on housing means they will have serious problems in finding enough money for food, clothing and the other basic necessities of life.

And of course, in a supposedly caring society, these 'necessities' should include the ability to afford choices in health, education, transport and social amenities.

Clearly, if you are on a low income, paying anywhere near a third of your gross income in rent will result in great financial difficulty.

In its final analysis, the Strategy told the Federal Government that by the year 2000, no low-income renter should be paying more than 25 per cent of income in rent.

Many other countries also use such benchmarks and generally, one set at 20-25 per cent of income spent on rent is considered to constitute 'affordable' housing. In the home purchase arena, most lending institutions determine mortgage levels using a repayment schedule of 30 per cent of income.

But there is a big gap in this logic, for housing cost-to-income ratios do not take into account the actual circumstances of people in individual households, or the quality of their housing.

Ratios and 'affordability' benchmarks are not definitive measures of housing circumstances, but they are a valuable indicator of where housing - related poverty lies, and an essential tool in the development of housing policy.

*From National Shelter: The Cost of Housing Report
April 1995*

Affordable housing: a vanishing horizon

The picture for Australians on low incomes who are renting privately is grim. On average, people in poorer households spend 31.3 per cent of their income on rent, well above any acceptable benchmark of 'affordability'. This amount is almost three times the national average of housing costs as a proportion of income (10.7 per cent).

Those most severely affected include single women aged over 60, who pay 35.8 per cent of their income in rent; couples with one child, who pay 34.7 per cent; and sole parents with one child, who pay 35.3 per cent.

It is clear that many Australians are facing poverty on a daily basis, due primarily to the high cost of their housing.

*From National Shelter: The Cost of Housing Report
April 1995*



where the money is!

SYDNEY: wealthiest and most unequal

From the Telegraph Mirror, July 1995

Sydney is Australia's richest city, but also has the biggest gap between rich and poor, an economic study has found.

Sydney had the highest average wealth and the highest average incomes, one of the report's authors, economist Phil Raskall, said yesterday. "Basically this means that the rich in Sydney are very rich," he said.

"Overall Sydney can be characterised as a brash upstart, with growing wealth, but growing inequality.

"Much of the 'success' of Sydney in the average figures is because of housing prices, which are twice those of Adelaide, for example."

The wealth distribution had also changed markedly over the past 15 years, he said.

"The north-south financial divide has become the east-west divide, with the inner city becoming more affluent and the poor becoming concentrated on the outskirts of the city," he said.

Housing Taxation Report

From National Shelter

A new report, **Fairness, Taxation and Housing** was recently launched in Sydney, by the prominent tax expert Dr. Vince Fitzgerald.

According to **National Shelter** (the housing peak advocacy body) the report homes in on the fact that tax arrangements in Australia have two major flaws: too much of Australians' wealth is held in housing. And wealthier and higher-income households benefit much more than those on low incomes.

The author of the report **Howard Pender** has put taxation rules on housing under close and scathing scrutiny. Mr. Pender proposes a package of reforms based on agreement between Federal and State Governments. Mainly the abolition of stamp duty in the States and its replacement with a broad-based land tax. The Commonwealth for its part, would take responsibility for ensuring fairer tax rules relating to housing.

Other issues discussed in the report include imputed rent earned by owner occupiers, removal of a capital gains tax exemption on the principal residence and negative gearing as it applies to rental investors.

National Shelter, has commissioned and published the independent report as the first of an occasional research series on issues surrounding public housing and other related issues.



NATO Rockets Consultants Report

NATO is the National Association of Tenant Organisations representing a network of tenant organisations across Australia.

The 1993/4 Federal Budget allocated \$ 0.3 million towards improving access and security of tenure in the private rental market.

The accompanying statements declared:-

"Renters in the private market can face disadvantage due to inadequate security of tenure and discrimination" and also stated,

"the need to strengthen consumer protection for private renters was recommended by the National Housing Strategy in its Agenda for Action"

"Using the above criteria, the recently released report 'Minimum Legislative Standards for Residential Tenancies in Australia' will do little to improve security of tenure and/or strengthen the legislative protection afforded to most tenants in Australia."

Stated National Association of Tenant Organisations (NATO) spokesperson - David Ramsay.

"The minimum legislative standards do not meet the stated aims of the budget allocation and the recommended legislative standards set are in many cases, below the current legislation as it exists in many States and Territories. For instance, the security of tenure provisions in the report are set below that which currently exist in some states, this is particularly relevant to the periodic eviction without ground provisions in Victoria and the current "just cause" provisions in the ACT."

Although not rejecting the report in its entirety NATO has deep reservations as to its value in improving access and security of tenure in the private rental market. The Commonwealth should also be disappointed in the report as it fails to address the directions outlined in the National Housing Strategy particularly in relation to security of tenure:-

"Renters need to enjoy some of the attributes of home ownership including security of tenure- the right to continued occupation of a home... Measures need to be taken to provide an integrated framework of legislative and

other consumer protection reform so that by the year 2000 tenants can enjoy a greater level of security and stability in their homes"

The National Housing Strategy - The Agenda for Action. (Dec. 1992)

The remainder of the 1993/94 budget allocation (approximately \$ 230,000) will be spent on various pilot projects providing tenancy education and resources to special needs groups and communities across Australia. This proposal is supported by NATO.



TAAP SERVICE PROFILE

The Hunter

The Hunter Community Legal Centre, a generalist legal centre, was established in May 1990. Tenancy has always been recognised as a priority area for the centre. Unfortunately, the Centre's limited resources resulted in the inability to provide a high level of direct tenancy casework. To counter this inadequacy, a community education programme was offered throughout the Hunter region. Although this programme met with some success, the staff and management of the Legal Centre felt that there was a great need for an independent community based service to be established. Well, talk about timing!!

End result- the Legal Centre successfully submitted for funds through ORES and here we are. Sharing office accommodation, staff, resources and cakes with the Legal Centre.

The Hunter TAAS was funded for 3.5 positions to cover 13 local government areas with 111,552 people (ORES figures) residing in rental accommodation. The huge number of people in rental accommodation in the Hunter is because, we:

- a) have very large families
- b) do not have enough money to buy our own homes
- c) do not want to buy our own homes because rental accommodation in this area is secure, affordable and decent
- d) all of the above

STAFFING FOR THE HUNTER TAAS IS:

Deborah Berry - administrator for 17.5 hours (shared with Legal Centre)

Dawn Davies - 20 hour per week NESB Access worker

Polly Ballantyne - full time generalist tenancy worker

Yvonne Van Schiak - full time generalist tenancy worker

Louise Wilde co-ordinator

This structure has some problems (minor understatement) which are compounded by the relative isolation of our Service. But let's forget the isolation for a minute - more about that later (you'll never hear the end of our isolation!). Imagine what the Western Region Service will come up with if the Hunter consider themselves to be isolated.

Nah- lets get right into isolation. There has been no recognition in our funding of the additional expenses required to operate a Service outside Sydney metropolitan area. Clients who live in Cessnock, only 35 kilometres from Newcastle CBD, are charged STD rates to telephone Newcastle. Travel to Muswellbrook, where we have established an outreach office, takes 4 hours and costs the service in

excess of \$100,00- there are no options other than private vehicle or charter flights. Travel to Sydney meetings, whilst only costing the service \$27.00 per person (we take the train), takes 6 hours. For full time workers, this isn't too disruptive, (although I get really peeved at having to be at beautiful Broadmeadow railway station at 6 am). However part-time workers, in addition to already being marginalised by their part-timeness, further suffer when 1/3 of their week is spent in travelling to meetings held in Sydney.

The Residential Tenancies Tribunal is a prime example of the difficulties clients face through isolation. The Tribunal usually sits in Newcastle - either at the Family Court or the Local Court and although the setting is very formal, Newcastle is accessible to most people in the Hunter Valley. The Tribunal also sits at East Maitland Local Court-approximately a half hour from Newcastle. This is OK, however East Maitland is not the most convenient place in the Hunter Valley.

A tenant, who comes from Raymond Terrace (10 minutes from East Maitland by car), was notified that the Tribunal hearing would be held at East Maitland. Luckily this tenant had access to a car because there is no direct public transport route from Raymond Terrace to East Maitland. Clients without access to a private vehicle would have to catch a bus into Newcastle (forty minutes) and then hang around the Court until the matter was heard, sometimes not until 4.00 pm (all matters before the Tribunal are listed for 10.00 am) and then do the return public transport shuffle.

If there are causes in the Upper Hunter, the Tribunal usually sits in Singleton, despite the fact that Scone is 1 hour away by car and has no public transport to Singleton apart from the 7.00 am train.

However, enough bitching about how badly we have it in the Hunter Valley. There are many positive aspects about being a regional service.



FOR LEGAL EAGLES

PRIVACY LAWS

In NSW in recent years a number of organisations have established blacklist databases of "problem" tenants. The blacklists are compiled using information provided by real estate agents. They are used by estate agents to provide extra information to assist in making decisions to refuse or accept applications for residential tenancy.

The Tenants' Union of NSW is concerned that these agencies lack regulation and may be providing information to prospective landlords or estate agents that is incorrect and / or misleading. This incorrect information may then be used to discriminate against particular tenants unjustly. We have heard reports that tenants who have successfully won cases at the Residential Tenancies Tribunal may in fact be deemed "problem" tenants and that their names are listed on these databases for the simple fact that they have pursued the enforcement of their rights under the Residential Tenancies Act. We find this situation appalling.

Tenants are unaware that their names exist on these lists. We have concerns regarding the accuracy and extent of the information on these lists.

An article appeared in the Sydney Morning Herald on Monday June 26 1995 titled "Govt considers new privacy laws" that stated,

"there would be implications for banks, credit reporting agencies and other non government holders of personal information"

The Tenants' Union has written to the Attorney General requesting that mandatory coverage under the proposed new laws would extend to tenant blacklisting agencies and that the proposed legislation ensures effective enforcement. We will keep you posted.

RTT STATISTICS

Here are some interesting figures from the monthly statistics reports of the Residential Tenancies Tribunal.

Total number of applications lodged:
January - May 1995 **11429**
Total number of applications finalised **11044**

applications lodged by landlord **9881 86%**
applications lodged by tenant **1532 14%**

type of applications lodged
termination/possession orders **7169 63 %**
rental bond **1319 11 %**
breaches of the agreement **2403 21 %**
orders varied- set aside sect.110 **197 1.7 %**

Outcomes of the finalised orders for January to May 1995 total 11044

in favour of the landlord as applicant **5340 48 %**
in favour of the tenant as applicant **205 1.8 %**
in favour of the landlord as respondent **105 0.9 %**
in favour of the tenant as respondent **25 0.2 %**

other outcomes
applications withdrawn section 90 **1851 17%**
applications dismissed section 108 **1105 10%**
agreement section 109 **2371 22%**
orders set aside section 110 **42 0.4%**

Representation at the hearings
only the landlord represented **8082 73 %**
only the tenant represented **38 0.3%**
both landlord and tenant represented **182 1.6%**
no representation for either party **2740 25 %**

Interpreters were used in 215 (1.9 %) cases

(These figures are a summary of the monthly statistics reports of the Residential Tenancies Tribunal)

THE POTTS



by Jim Russell

FOR LEGAL EAGLES

SWAIN & ANOR VS R.T.T.

Swain and Anor. v Residential Tenancies Tribunal of NSW and Anor

Before: ROLFE, J.

Hearing: 15.3.95

Judgement: 22.3.95

Before this decision, it was very difficult to stop a "no grounds" termination based on a 60 day notice. Only the requirements of a valid termination notice including the correct number of days notice and the correct form, had to be fulfilled. The tenant then had to be able to prove that the termination notice had been issued because they had asserted their rights in some way e.g. by asking for repairs to be done (Sec 65). This is called a "retaliatory eviction".

In SWAIN the Supreme Court decided that the Residential Tenancies Tribunal does have the power to refuse to terminate an agreement after a 60 days notice has been served. The Tribunal can do this if:

- it has considered the circumstances of the case, and
- it has decided that it would cause hardship to the tenant, and
- it is not appropriate to make a termination order.

The circumstances that the Tribunal can consider include:

- the length of time the tenant has lived at the premises,
- the age and state of health of the tenant
- reason why the tenant may need to live in a certain area
- the availability of other suitable accommodation in the area
- the need to be close to family, friends and employment

Evidence such as bank statements, doctors letters and information regarding searches for alternative accommodation may be helpful as proof of these circumstances.

The decision in SWAIN does not stop a landlord or real estate agent from serving a 60 day notice. It means that a termination order will not automatically be granted in a Tribunal hearing. It is up to the tenant to present evidence to the Tribunal about their circumstances and the reasons why the termination order should not be granted.

Many Members are deciding cases on the basis of SWAIN. In one case the tenant was allowed to stay in the premises for a further two or more months.

The judgement handed down on the 15th of March had far-reaching consequences for readings of the Residential Tenancies Act as a whole, and, specifically, for terminations based on 60 day notices.

The Tribunal is now bound to have regard to the "circumstances of the case" and this means that a wide range of enquiry is required. To use the words of Mr. Keenan (Tribunal Member) in June this year, "no longer can landlords/agents rely on serving a 60 day notice alone to terminate a tenancy."



NEWS from around the WORLD

When Bombay Real Estate soars, Yuppies go slumming!

Mr. R.N. Ramachandran, 30 year-old Bombay yuppie, recently bought his first apartment in the only neighbourhood he could afford- the city's largest slum.

"I never thought I'd be living here," said Mr Ramachandran, director of a television news programme. "But it is the only thing in central Bombay that's affordable for the middle-class professional."

Bombay has become one of the world's hottest urban real estate markets. In the last two years prices have shot up faster than in any other major city in the world, driving the cost of prime buildings more than four times higher than the price of commercial properties in the heart of New York City.

For a nation where the average annual per capita income is 290 US-dollars, the real-estate explosion in its most populous city is creating greater gaps than ever between its haves and have nots. Already 5.5 million residents live in its 35 slum districts.

"There is a great danger of Bombay becoming a city of the super rich and the super poor" said Nasser Munjee, director of the Housing Development Finance Corporation. "The market is affecting everybody."

Of all the upheaval created by the property price boom, none has been more controversial than the emerging gentrification of the Dharavi slum. An estimated 600,000 people are crammed into 430 acres of ramshackled huts.

A decade ago, Rajiv Gandhi, then prime minister, launched a programme to construct apartment buildings in Dharavi for slum dwellers. Today, his vision has become a victim of the dramatic escalation in real estate prices. The Dharavi slum, built on a turn-of-the-century city garbage dump, now sprawls over some of Bombay's most centrally located real estate.

When the first slum dwellers signed up for Gandhi's programme, the one room, 180square foot apartment cost \$1354 US each- a hefty amount for families that generally live on a few dollars a week. Today, the same apartments have tripled in value.

For some participants, the cost of the subsidized housing escalated before their apartments were finished, forcing them to sell their units because they could not afford the increased payments. Others simply found the lure of a quick profit too attractive to pass up, even though the programme technically forbids the resale of the apartments to outside buyers.

Now with the Gandhi construction programme far from finished, the building costs have become so prohibitive that the government is allowing private developers to construct the buildings and sell a percentage of the units to higher-income residents as a way of offsetting the cost of housing the poor.

"It's a racket," said A. Jockin, President of the National Slum Dwellers Federation, who estimates that 30 percent of the Dharavi slum residents who bought the subsidized apartments have re-sold them - usually to higher income families. "the poor person is selling at what cost? He is not improving his life. He goes back into the slum because he can't afford anything else."

SOURCE: *Global Tenant*, no. 2/1995

WORLD URBANISATION TRENDS

"UN estimates indicate that at mid-1990, 43 percent (2.3 billion) of the world's population lived in urban areas. Within the urban population growing two and a half times faster than its rural counterpart, the level of urbanisation is projected to cross the 50 percent mark in 2005."

The urban population in the year 2025 will be approximately 5.2 billion. 77% of whom will live in developing countries.

High levels of urbanisation are characteristic of the developed regions of the world. Australia and New Zealand together with Northern and Western Europe are amongst the most urbanised regions of the world with urbanisation levels of more than 80%.

Source: *United Nations, World Urbanisation Prospects (New York, 1993)*

From the 'good old' US of A...

LANDLORD TO EVICT BOMB ORPHANS

Guthrie, Oklahoma, Monday: The tragedy in Oklahoma City has touched every heart in the United States - except, it seems, that of a landlord who plans to evict six children whose parents died in the explosion.

The 74-year-old landlord said yesterday that he planned to follow through on a legal notice he got last month evicting the impoverished Luster family, despite their plight.

"They are freeloaders," Mr. Marion Gandy said. "What they're going to be able to do now, I don't know. This is not anything that concerns me."

Robert and Donna Luster were last seen going to apply for disability benefits in the Federal office building torn apart by the bomb.

Their children, aged six to 22, have been waiting in the rundown house for official word of their parents' fate.

But Mr. Gandy, who says he has an order to evict them by Friday, still wants them out. Otherwise, "they'll freeloader off me for the rest of their lives".

After hearing that Mr. Robert Luster was among the confirmed dead, Mr. Gandy offered to postpone the eviction for a week.

"I'm going to extend it for them until a week after the funerals," he said. "That ought to be time enough to compose themselves. They've been dead now five days."

Sydney Morning Herald, 25.4.95

MEANWHILE BACK IN OZ

WESTERN AUSTRALIAN EVICTION LAWS

An independent report into Homewest's (W.A.'s State Housing Authority) abuse of Western Australian Eviction Laws was launched by the Director of the Legal Aid Commission.

The report titled 'No Just Cause' is a detailed response to an increase in threatened public housing evictions, specifically under Section 64 of the Residential Tenancies Act (1987). This section of the act allows Homewest, as the landlord, to evict a tenant without specifying any grounds for eviction.

'No Just Cause', has condemned Homewest for its unprecedented use of this section of the Act to put public housing tenants and their families out on the streets - about one in ten of all public housing tenants were threatened with eviction last year.

Ms Bahemia, the Director of the Legal Aid Commission stated: "there is something wrong with a public housing system that threatens to evict its tenants on such a scale".

"It seems Homewest has little regard for its responsibilities under the Commonwealth State Housing Agreement and has lost sight of its overall objective, which is to ensure that every person in this State has access to adequate and affordable housing."

The Anti-Section 64 Coalition (a group of community organisations) is planning an intensive lobbying campaign to Federal and State politicians to force Homewest to cease using Section 64 of the Residential Tenancies Act until the issues raised in the report are addressed.





Lost Members

We lose many members because they change address and forget to tell us.

We have now modified our data base to include Home phone numbers and Work phone numbers.

In future when Newsletters etc. are returned "Not know at this Address", it will be a simple matter for me to phone you at work to get the new address.

To update the current Database I would appreciate if current Members would complete the form below and return it to me or phone me on 247 3815.

Name.....

Home Phone.....

Work Phone.....

Bob Clayton
Administrator

PLEASE NOTE !

The Rental Bond Board has moved to :
Level 4/ 234 Sussex Street
Sydney

Telephones

Enquiries: 02 377 9000
or 1800 422 021
Fax claims: 02 377 9373
or 1800 803 655

The Tenancy Service has also moved to:
Level 4/234 Sussex St.
Sydney

Enquiries: 02 377 9100
or 1800 451 301
Fax: 02 377 9334
mail: Tenancy Service
PO BOX Q 168
Sydney 2000

"Rental Assistance increase a Sham": ACOSS speaks !

ACOSS believes that the changes to Rent Assistance Payments (RA) proposed in the 1995-96 Budget will disadvantage all people paying low rents, particularly those who are most at risk in the private rental market, including elderly single women and young people.

By tightening the RA eligibility criteria, single people and couples without children will have to pay up to \$3.75 in additional rent per fortnight.

Elderly single women in rental accommodation, who already pay a higher proportion of their disposable income in housing costs than any other group in the community, will be among those who will be worse off by the proposed changes to RA. Young people and renting couples (both younger and older) will also be worse off.

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THE TENANTS ADVICE AND ADVOCACY PROGRAM

TAAP Progress

Unfortunately since our last publication we are unable to report any progress on the allocation of funds for the TAAS's on the North Coast, the Central Coast, the Southern Sydney Region or the Specialist Caravan Parks Service.

These delays are beginning to have an impact on the level of individual service that can be provided to those regions by the services that are fully operational. So if you find that your post code has not been listed, don't despair it is not because you don't live in NSW its because these regions as yet have not been allocated services.

Koorie Services

The government is presently considering the tenders for the Koorie position to be located in the Central West of the State. The positions that are to be located in the North West and South of the state have been put out for retender, as has the Koorie Development Position to be based in Sydney. Expressions of interest for these services close on the 14th August, 1995.

If you are an Aboriginal organisation based in one of the above locations and are interested in auspicing one of the TAAP services, then you should contact Suzanne O'Neill on 229-6350 at The Office of Housing Policy for an application and further details.

Hon Faye Lo Po Minister for Consumer Affairs and Women

In May we were pleased to be able to meet with the new Minister for Consumer Affairs who is now responsible for administering the Tenants Advice and Advocacy Program through the Office of Real Estate Services.

The Minister was pleased to be informed about the new program as she had only been in office for little over a month and was in the process of acquainting herself with the new portfolio.

The program has been funded for 27 generalist workers and three Aboriginal workers to provide direct case work throughout the state. The NESB component of the program has been funded for the equivalent of five full time workers to provide a community education role. The Resource Body at the TU has been funded for three and half

workers, the Caravan Parks and Mobile Home Service will be funded for two workers and there will be an Aboriginal Development Position located in Sydney. All of these services have a resourcing and development role.

This means that there are 30 full time case work positions and six and half full time resource/development positions to cater to the 1.7 million tenants of NSW.

Aside from informing the Minister of the progress of implementation of the program we raised the need to increase the Aboriginal, NESB and Administrative component of the program. Further discussion of these needs are to be followed up with the Minister in a meeting arranged for late July.

The TAAP Unit

Workers in the resourcing body have been acquainting themselves with the likes of computer speak and data capture jargon. Believe us nobody could accuse us of being "Techno Eggs"! As we enter the weird and wonderful world of developing a data collection system for the NSW TAAS Network, we also realise that we need to balance this with the needs of other data collection systems that are currently operating in the auspicing services of the TAAS's. Confused? Don't worry proceed as is!

This is the work of real and dedicated pedants, we will do our best to keep the pedantry to the development of the software. Nonetheless, hopefully it will be of great benefit to the 1.7 million tenants of NSW to monitor the types of problems that they face so that we can better argue the need for social and legislative change.



TAAP CONTACTS

In our last newsletter we reported on the nine groups who received funds to run the tenants advice and advocacy services. Now we list them by post code and phone number for your convenience.

All these services are now operating with identified tenants advisers. If you are having a problem with getting repairs maintained or not sure of the correct procedure for reclaiming your bond money or need help in lodging an application with the Residential Tenancies Tribunal then these are the people to ring for advice and information.

Under the name of each service is a listing of postcodes, simply identify your suburb by post code and that will be the service that has been funded to assist you with advice. Of course if you are unable to get through to that service then you can also get advice from the Tenants Union Hotline on 251-6590 or the Government Tenancy Service on 377-9100.

The services also provide a community education role and will be available to speak to groups about the ways tenants can invoke their rights under the Residential Tenancies Act.

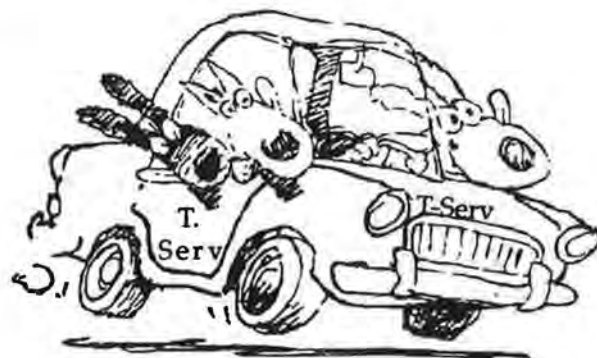
The Tenants Advice and Advocacy Services are also keen to reach those groups who have traditionally had difficulty in accessing remedies under the Act.

The program has been designed to assist private and public tenants with particular emphasis on providing services to Koories and People of Non English Speaking background.

Aside from escaping from the mounds of paper created by data capture the Resourcing Body has also been busy with developing reporting mechanisms for the TAAP in conjunction with the ORES who administers the program. We have been successful in gaining funds to develop a model of performance monitoring for the NSW Tenants Advice Services and we look forward to working with the network to develop a standards manual.

We are also eagerly awaiting decisions regarding proposals put to the Ministry to cover translation costs and generic advertising for the program. We will keep you posted!

Our training and resources officer is currently negotiating with experts in the field to develop a media training program for the TAAS workers, this will probably be a popular course and so it will be important for the services to book as soon as the dates become available. The other area of training that is currently in great need by the workers relates to new legislation covering Caravans and Mobile Homes. As mentioned in our previous newsletter changes to the legislation mean that residents of caravans with a fixed annexe who rent a site as their principle place of residence now have greater security of tenure. This is great news for caravan residents, however the delay in funding to the specialist caravan service for the TAAP means that there is a gap in service delivery as the resourcing body hunts around for experts to train our new workers in the field. We hope that our visit to the Minister for Consumer Affairs will be able to shed some light on this problem.



TAAP Services
Emergency Rescue Vehicle

TENANCY ADVICE & ADVOCACY SERVICES IN NSW

Inner Sydney

Redfern Legal Centre

Ph: (02) 698 7277 (Redfern Legal Centre)

(02) 698 5975 (Tenants' Service)

Fax: (02) 310 3586

Post Codes: 2000, 2006 - 2011, 2015 - 2021, 2036 - 2043, 2050.

Inner Western Sydney

Marrickville Legal Centre

Ph: (02) 559 2899

Fax: (02) 558 5213

Post Codes: 2044 - 2050, 2129 - 2141, 2190, 2191, 2193, 2203, 2204.

South West Sydney

South West Tenants' Service

Ph: (02) 601 6577 (Advice Line)

(02) 601 6308 (Sth West Legal Centre)

1800 631 993 (Freecall)

Fax: (02) 822 4076

Post Codes: 2161, 2163 - 2168, 2170, 2171, 2173 - 2177, 2508, 2558 - 2560, 2563 - 2574, 2745, 2752.

Eastern Sydney

Eastern Suburbs Tenants' Service

Ph: (02) 386 9145

(02) 386 9147 (Advice Line)

Fax: (02) 386 9146

Outreach

Randwick Information & Community Centre

Ph: (02) 314 3439

Post Codes: 2021 - 2036.

West Sydney

Western Sydney Tenants' Service (WESTS)

Ph: (02) 891 6377

1800 625 956 Freecall (From 045 and 047 STD Areas only)

Fax: (02) 635 8548

Post Codes: 2115 - 2118, 2121, 2122, 2125, 2141 - 2158, 2160 - 2162, 2164, 2171, 2745, 2747 - 2767, 2770, 2773 - 2786.

Blue Mountains Outreach:

Blue Mountains Community Legal Centre

Ph: (047) 82 4759

Thursday 9.30 am - 12.30 pm (Telephone advice line)

Thursday 1.30pm - 4 pm (Interviews)

Clients should make appointments for interviews by ringing Blue Mountains Community Legal Centre at Phone: (047) 82 4155 during normal office hours.

Hawkesbury Outreach:

Hawkesbury Community Legal Centre

Ph: (045) 88 5618

Wednesday 10am - 1pm (Telephone advice Line)

Wednesday 2pm - 4.30pm (Interviews)

Clients should make appointments for interviews by ringing Hawkesbury Community Legal Centre at Phone: (045) 88 5618 during normal office hours.

North Sydney

Northern Area Tenancy Service

Ph: (02) 964 9654 (Advice Line)

(02) 923 1100 (Dir)

Fax: (02) 959 4453

Post Codes: 2060 - 2114, 2119, 2120, 2121, 2122, 2125, 2126, 2157, 2158 and 2159.

Hunter

Hunter Legal Centre

Ph: (049) 26 3220 (Hunter Legal Centre)

(049) 29 6903 (Tenants' Service)

Fax: (049) 29 7996

Post Codes: 2264, 2265, 2267, 2280 - 2309, 2311 - 2315, 2320 - 2330, 2331, 2333 - 2338, 2415, 2420 - 2423, 2425, 2430.

Illawarra\St Coast

Illawarra Community Legal Centre

Ph: (042) 76 1939 (Illawarra Legal Centre)

(042) 74 3475 (Dir)

1800 80 7225 (Freecall)

Fax: (042) 74 3491

Post Codes: 2173, 2500, 2502, 2505, 2506, 2508, 2515 - 2519, 2525, 2527 - 2529, 2533 - 2538, 2540, 2541, 2545, 2546, 2548 - 2551, 2574 - 2579.

Western

Western Region Tenants Advice & Advocacy Service

Ph: (063) 62 6555

1800 642 609 (Freecall)

Fax: (063) 62 2933

Post Codes: 2340 - 2347, 2350, 2352 - 2361, 2365, 2369 - 2372, 2379, 2380, 2382, 2386 - 2390, 2395 - 2399, 2400 - 2410, 2470, 2475, 2476, 2479, 2580 - 2588, 2590, 2594, 2618, 2620 - 2622, 2626 - 2628, 2630 - 2633, 2640 - 2660, 2663 - 2672, 2680, 2681, 2700-2707, 2710 - 2717, 2720 - 2722, 2725 - 2739, 2787 - 2799, 2800, 2803 - 2810, 2820 - 2850, 2852, 2864 - 2880.

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 _____

IF UNDELIVERABLE PLEASE RETURN TO

TENANTS UNION OF NSW
68 BETTINGTON STREET
MILLERS POINT 2000

PRINT POST APPROVED
PP 239 337 / 00010

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