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# *tenant* **NEWS**

No. 55 NSW NOVEMBER 1995

ACCLAMATION ISSUE



## *I N S I D E*

CARAVANS BIG WIN

HANDBOOK TO ALL TENANTS

OUR PROUD HISTORY

WESTERN NSW SERVICE

TOKYO NEWS

PUBLIC TENANT WORKERS



# Contents

## About the Tenants Union

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

Since 1976 we have fought for fairer laws and have worked to let tenants know about their rights.

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

### Union Board:

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Lansdowne caravans - a win	3
Atlanta watch	3
Western NSW service	4
Our proud history	5
AIDS and housing	6
Public tenant workers	7
Rent assistance plan	7
Regulations - handbook to all tenants	8
Quirky legal bits	9
Rent trends	10
Homes shrinking	10
Sydney most unequal	10
Headleasing	11
Commonwealth State Housing Agreement	12
Big Issues magazine	13
Tokyo	14
Korea	14
Tenants services - progress	15
Nita McCrae	16
A saga	17
A modest admission	18
List of tenants services	19

## Lansdowne Caravans important win

For most of 1995 there has been a fight between a group of tenants at Lansdowne Caravan Park (near Liverpool) and the park's owners, Meriton Apartments. Most of the 400 manufactured homes at Lansdowne are owned and rented by Meriton, who run a number of large caravan parks in NSW.

But some tenants own their own caravans and rent the sites. Meriton wanted to evict them and turn all the sites into manufactured homes. They all got 180 day termination notices, notice of a rent increase, and services were cut back.

A number left, but one couple (Penny and Ron Zwarenkant) contacted Penny Hunter at South West Tenants Service. They in turn got support from the Tenants Union (Des Sheehan) and Western Sydney Tenants Service (Di Evans).

14 tenants went to the Residential Tenancies Tribunal to have the notices declared invalid, and won, removing the threat of eviction.

The notices were clearly invalid because the park owner can only evict in this way if the site is no longer to be used as a residence. More tenants took part later, and about 40 park residents were eventually involved.

It's important that the Tribunal heard their case before the 180 days was up, so that tenants knew they were secure. Otherwise more tenants would probably have left even though the notices were invalid.

In the next round, Meriton told a couple they couldn't sell their van on site. The Tribunal ordered Meriton to stop any interference with a sale, and later awarded that couple about \$4,000 compensation. Meriton was also ordered not to send tenants any other invalid Termination Notices.

Finally, Meriton tried to put up the rent. In a long Tribunal hearing the tenants pointed out that only one of three original amenity blocks was still open, and it rarely had hot water or toilet paper. Water was turned off regularly and the electricity wouldn't run a heater and jug at the same time. In the end the average rent was actually reduced slightly instead of being increased.

Lansdowne is an important win because it was the first big test of the new caravan laws brought in a year ago.

## Atlanta watch

*Source: Sydney Morning Herald August 1995*

Cast your mind four years into the future. You return home one day to your rented unit. Poking out of your letterbox is a letter from your landlord. It offers you, in brusque terms, three choices: 1. Move. 2. Pay \$1,000 per week from May to October 2000, when the Olympics will be in town. 3. Vacate, but leave your furniture and receive a 30 per cent share of the Olympic rents.

This scenario is now confronting residents of Atlanta, Georgia, site of next year's summer Olympics. Atlanta high-rise apartment rents rose as much as 14 per cent during the last six months, while landlords and home owners are setting themselves up to make a killing.

Of the 125,000 beds that will be available in Atlanta next year, 80 per cent have been booked for Olympic officials, sponsors and the media. Remaining hotel beds have been taken by groups and booking agents. That leaves apartments and family homes, which Private Housing 1996 Inc, Atlanta's central agency, is renting out at hotel rates, from \$204 to \$408 a night.

"We were getting about 25 calls a day from home owners wanting to go into our rental pool in January," said Dusty Rhoades, an officer of PH '96. "People stay with their parents, go on vacation or move in with a friend and split the profits."

But the fightback is on. Rental tenants who have received move-out-or-pay-up-letters have formed a group called Residents Outraged Against Rental Rates (ROARR). After weeks of protest ROARR has forced Intown, a property management company which sent out letters like the one above, into making the proposal voluntary.

"They completely caved in," said Dan Boling, a ROARR member. "Either they come in line and start acting ethical or we'll put on the same pressure that we did on Intown. We're a permanent fly in their ointment." Sydney tenants: start buzzing now.

## Stop Press: New Tribunal Chair

The new Chair of the Residential Tenancies Tribunal will be Sally Chopping. She was recently appointed and will replace the current Chair, Ray Collins, whose appointment ends on December 23. The Tribunal interprets and makes rulings on tenants' legal rights.



# Western NSW Tenants Service

*A profile by Sue Lasky*

The Western Region Tenants Service started in February 1995. Our service is conducted under the auspice of the Orange Community Resource Organisation (OCRO) which provides administrative and management resources for a variety of community development programs. There are presently 6 programs conducted through OCRO.

The Tenants Advice Service is located in the Community Resources and Information Centre (Neighbourhood Centre) along with Orange City Council Aged Services, Children's Services, Community Tenancy Scheme and Community Accommodation Services, Koori Youth Workers, and the Co-ordinator of a group home for adults with intellectual disabilities - rather a mixed bag!

We are staffed by a Co-ordinator - Bernie Thornhill, and a generalist worker - Sue Lasky. This service covers the area west of the Great Dividing Range - and believe me, we are divided from you coastal fringe dwellers!

I do not have ORES figures for the number of tenants in the area, however it would equate with population stats in Hunter or the North Coast - its just that our tenants are spread over a vast area.

We access our clients through a Freecall number and we have also leased a car for outreach and community education work.

Being outside NSW (Newcastle, Sydney, Wollongong) country tenants face the continual withdrawal of government services. In terms of isolation, tenants have not had access to information and resources let alone Residential Tenancies Tribunal (RTT) lodgement forms, urgent hearings, or on site back-up in emergencies. Hopefully we are providing some solutions to these problems.

Our motto is "helping tenants to help themselves". In most cases we have to 'empower' the tenants - because we cannot be there to advocate on their behalf. It is impossible for us to prevent a lock out in a Caravan Park in Nyngan or to cite relevant papers for Tribunal hearings. Semantics takes on a new meaning !! when trying to explain to a tenant that a 'plumber's report' is not an illegible scrawl confirming that water is indeed pouring through the ceiling because a pipe has burst.

Country tenants ARE becoming aware of our existence. We have calls from thriving metropolises such as Howlong?, Walla Walla, Moama, Buronga, Dareton and Harden to name just a few of the better known localities.

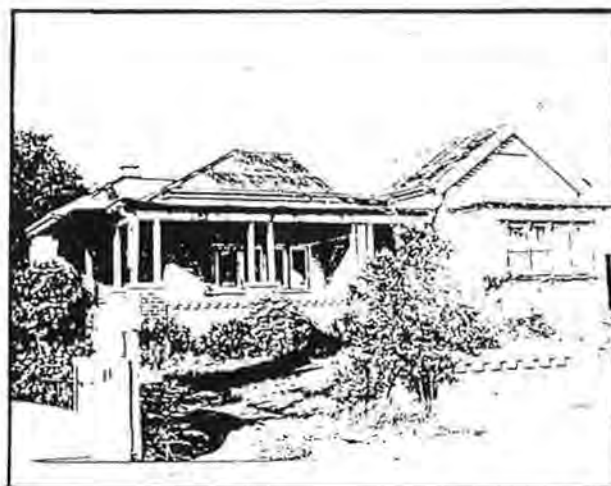
We rely on a network of community contacts and outreach visits to spread our message. We have also developed a referral system with Victorian Associations who refer NSW tenants to us.

These contacts are important to us in developing a comprehensive Service offering advice & advocacy on par with the services available to tenants in metropolitan areas. We are developing our advocacy and community education role to provide access to services for country tenants who have in the past have had to rely on limited access to services provided in Sydney.

We have a RTT "Wish List" which would improve access for tenants, including :

- \* We wish ; members would introduce themselves before hearings;
- \* Take the word of the tenant above that of the landlord - the onus of proof on the tenant tends to be greater than that of the landlord.
- \* That the member did not have a deadline - to leave as quickly as possible;
- \* That lodgement of application forms be possible through Post Office receipt or Court House - It takes up to a week for applications to be receipted in Sydney.

We are currently receiving about 100 calls per month - which keeps us busy enough at the moment. We are also starting to develop training modules and information to be used by community service providers throughout the region.





# Our proud history

*Thanks to Robert Mowbray of Western Sydney Tenants Service for providing information for this article*

The Tenants Union of NSW turns 20 in August next year. We will of course celebrate the event, and leading up to that we'll include some information about our glorious history in Tenant News.

Shelter NSW was formed in 1975 with a Tenancy Working Group which became the Tenants Union - so we could argue we're already 20 (but we won't). That group included people from South Sydney Community Aid, Bondi - Waverley Tenants' Association, the Housing Association for Low Income Families (Lidcombe) and a Manly tenants group.

This group formed the Tenants Union on 17th August 1976. Incidentally the oldest Tenants' Union in Australia is the Victorian one, formed in 1974.

In it's first few years the Tenants Union of NSW had no government funding but great energy. It relied on the volunteered work of active members, students on field placements, a few solicitors, and the support of South Sydney Community Aid. In the year ending July 1978 they had an income of \$198.20 and a restrained expenditure of \$188.93.

Their early achievements are very impressive. In its first couple of years the Tenants' Union established itself as the spokesperson for private tenants in NSW, by having frequent media coverage and appearing often at Government forums and public meetings.

A few Tenants Advice Services existed before the Tenants' Union was born, provided by local community organisations, usually for one afternoon or morning a week. By July 1978 this had been expanded to a total of 11 part-time services, in Redfern, Chippendale, Balmain, Kings Cross, Leichhardt, Newtown, Surry Hills, Bondi Beach, North Sydney, Revesby and Lidcombe.

They soon got the idea of a single phone number that tenants could ring, which could be diverted to these services on a roster. The 'Hotline' started on September 1, 1979, and operated Monday to Friday, 1 to 9pm and Saturday 9.30am to 12.30pm.

An early priority of the Tenants Union was law reform, and in Tenant News No 3, December 1977, the proposed reforms are spelt out, and many of these - but certainly not all - have been won since.

One of the early objectives was that bond money should

be lodged in a Rental Bond Board instead of the landlord's bank account, and interest on this was to be used to fund tenants advice services. After a lot of work by the Tenants Union, Sid Einfeld (then Minister for Consumer Affairs) had already set up the Rental Bond Board in 1977. It took a lot longer to get money for tenants services.

Many of the other reforms had to wait until the current Act became law in 1989. Some that we eventually got were a Residential Tenancies Tribunal, a Standard Residential Tenancies Agreement with Condition Report, no more than 2 weeks' rent in advance (for most tenants), landlords obliged to carry out repairs, and a written Termination Notice and Tribunal Order needed for eviction.

The next Tenant News will have a look at what we did in the '80s.

## Pre-Tenants Union

There have been tenant organisations in Australia for many years, but we know little about them.

In 1910 The NSW Rent Payers' Association had an office at 83 Flinders Street, Sydney. In that year they distributed an election dodger which read:

"Tenants and rent payers generally are invited to enrol with this Association without delay. It is out to make good. Householders, home makers, and others have been bled by harpies, by high rents, bonuses, and totally illegal charges. This has got to stop. One of our officials will call on you to secure your co-operation.

"If you are in trouble about rent, ring up Telephone No. Paddington 752."





## Housing for people with HIV/AIDS

A seminar on HIV/AIDS and Housing was hosted by the Federation of Housing Associations.

Several speakers spoke about the housing needs of people with HIV/AIDS. Fatigue and weight loss are common experiences so accommodation needs to be readily accessible - either on the ground floor or near a lift. Medical services can be needed as often as once a day so housing needs to be located nearby.

Personal safety was identified as a significant issue and security arrangements need to reflect this. Like all sick people low noise and dry conditions are appreciated.

Other issues include the importance of security of tenure to maintaining better health. There may be times when a live in carer is required and there needs to be space for them to sleep over. The housing arrangements also need to accommodate unexpected hospitalisation.

The need for confidentiality was raised by many speakers. People with HIV/AIDS experience high levels of discrimination, abuse, and violence because of their infection, which emphasises the need for limiting the number of people informed.

Particular issues raised included how to make decisions on allocation of housing by need without disclosing the person's status; and the problem of disclosure when a person is known to receive the Special Rent Subsidy which is paid only to people with HIV/AIDS.

Vivienne Milligan, the Director of the Office of Housing Policy, stated that housing for people with HIV/AIDS was a priority for the new government and that a comprehensive policy was being developed.

### Gay hate mail in Sydney

Sydney's Capital Q newspaper reported in August that several gay men living in an inner city apartment block had received homophobic HIV hate mail.

"Save you country by killing gays and stop the spread of AIDS," one note read. "This complex is full of AIDS. Don't go swimming unless you want to catch something from gays." Another note read: "Shoot a poofster and save the world. Don't catch AIDS of (sic) one in these flats."

Its all pretty ugly stuff and shows the need for security arrangements and confidentiality with housing for people with HIV/AIDS.



## Public tenant workers

Source : Inner Voice Winter 1995  
Journal of Inner City Sydney Regional Council

The Office of Housing Policy (NSW Department of Urban Affairs and Planning) has recommended to continue the Tenant Participation Program which funds the 7 Regional Public Tenant Councils. These Councils employ Tenant Resource Workers.

Its report says the Program should

- be extended
- focus more on legal levels
- keep the Regional Councils
- be no longer funded by the Department of Housing

The Report left open the possibility that Public Tenant Resource Workers could be employed by community organisations rather than the Regional Councils.

### Information from Southern Metropolitan Region:

In fact there is a pilot project at the moment in the Southern Metropolitan Region, where 4 workers are employed by community organisations in Sutherland, St George, Bankstown and Burwood. Each worker will produce information on the effectiveness and advantages / disadvantages of this model, and these should make interesting reading.

## Rent aid for 'battlers'

The Federal Government is likely to change the \$1.5 billion rental assistance scheme as part of its election strategy to win back the 'battler' vote.

These changes would mean that low income renters in Sydney would get more help from this scheme. At the moment, these benefits from Social Security help people pay their rent, but the amount doesn't vary much around Australia. This is a bit unfair because rents in Sydney are sky high compared to most other places.

The 'benchmark' set in 1992 by the Government is that on-one will pay more than 25% of income on rent by the year 2000. But Cabinet still has to decide how this is going to work, and we presume more will be revealed during the election campaign.



# New regulations - handbook for all tenants

There have been some important changes to the Residential Tenancies Regulations in NSW as of 31 August 1995. The most important are :

## 1. Booklet on rights to all tenants

All tenants must be given a copy of a handbook "The Renting Guide" by estate agents or landlords when they sign their Tenancy Agreement. The book outlines rights and obligations. This is a very positive step in giving information to tenants.

The book is produced by the Department of Fair Trading, and over 200,000 have been distributed to estate agents already. Caravan Park tenants must be given a copy of a similar handbook "Caravan Park Living."

## 2. Uncollected Goods

These are what used to be called "Abandoned Goods", left on premises at the end of a tenancy. Landlords can no longer keep a tenant's goods if money is owed for rent or damages. If the tenant pays for the cost of storage and removal, they can get the goods back. Goods can only be considered "uncollected" if the agreement ends and the tenant leaves.

## 3. Reservation fee refunds

The tenant can now have the reservation fee refunded if they decide not to rent because promised repairs are not done (or some other agreed term is not met, such as the amount of weekly rent).

## 4. Water usage

All tenants that enter a tenancy after August 31, 1995 will be responsible for water usage, if their premises are separately metered.

## 5. Bond claims

The landlord must give the tenant the details of any claims they are making on the tenant's bond - before it is heard by the Residential Tenancies Tribunal.

## 6. Repairs on Condition Report

Any repairs and dates for completion must now be listed on the condition report.

## 7. Caravan changes

Tenants of caravans without a rigid annexe will no longer have to wait 30 days to enter a tenancy agreement with the park owner - if the park owner agrees. There will also be two different standard agreements for tenants of the premises and site, and tenants of the site who own the premises.

## 8. New Standard Agreement

The Standard Residential Tenancies Agreement, including Condition Report, has been redrafted.

SHE'S CRACKING UP

He was eating  
a hamburger



He was eating a  
hamburger and  
listening to the radio



He was eating a hamburger  
and listening to the radio  
and talking to a friend



Continued  
Page 17



# Quirky little legal bits

## No cause evictions in Community Housing

Some Community Housing Organisations regularly use 60-day 'no cause' terminations to evict or transfer their tenants.

It is probably illegal for a Community Housing Association to evict a tenant for no reason, for the same 'natural justice' reasons that apply to the NSW Department of Housing.

The NSW Supreme Court made its ruling against the Department of Housing on this three years ago (Nicholson vs NSW Department of Housing). The ruling essentially said that in such cases the tenant stands to lose a great deal and so has the right to be able to defend their case in a Tribunal or Court.

The Tenants Union is very keen to take a Community Housing Organisation to the Supreme Court for a 'no cause' eviction, so that we can stop this practice.

We also want to educate community organisations about this, and we've raised it in a paper to the NSW Community Housing Conference.

## Housing Appeals Committee decisions not binding

If a public tenant or housing applicant is unhappy with Department of Housing Decisions they must first appeal to their Area Manager. If that doesn't work they can go to the Housing Appeals Committee (HAC) which hears a range of things including

- acceptance on the public housing list.
- allocation of housing
- rental rebates
- under-occupancy

But the Department doesn't have to obey the HAC's recommendations. To date the Department has only gone against two recommendations. Both were about priority housing, and in both cases because they received additional information which they felt supported their original decision. In such cases the Department has to write to HAC explaining why it has gone against the recommendation.

It is very disturbing that the Department is not bound by HAC's findings, as it could ride rough over tenants if it chose to in the future.

## Boarder's goods held for rent

Some boarding house owners try to hold on to boarders' goods because rent is owed. This is illegal - its not allowed under any Act.

If it happens, a boarder can go to a Chamber Magistrate at their local court for a "Notice of detention of goods". The threat of doing this might do the trick. If the landlord ignores this court order, the order can be taken to the local police who should make the boarding house owner return the goods.

## Boarder definitions

To decide if someone is a tenant or a boarder/ lodger, the test is whether the landlord retains 'mastery' (or control) over the premises you rent.

If the owner actually lives in the same house as the renter, it is considered most likely that the owner's intention is to retain 'mastery'. This could also be the case if a caretaker lives on the premises of a boarding house, but the intention is less clear. Similarly, it is less clear if a head tenant shares the same house and sub-lets.

Other signs that a person is a boarder is if they share the room with another renter, or if they receive a service such as meals or linen. In a dispute, its always worth arguing that you're a tenant, or trying to get the Tribunal to recognise you as a tenant - so you are protected under the Residential Tenancies Act.

## Strata title by-laws

There are standard strata title by-laws in the Standard Residential Tenancies Agreement. If the body corporate changes its by-laws but they are not changed in the agreement (or if they are changed after the agreement is signed) does the tenant have to obey them?

Yes. All occupiers have to obey the by-laws and the body corporate could take the tenant to the Strata Titles Commissioner. But the landlord can't enforce them through the Residential Tenancies Tribunal or use the new by-laws as grounds to evict the tenant.

Incidentally, the Minister for Fair Trading, Faye Lo Po, is proposing changes to the Strata Titles Act and we'll keep you informed.

## Rent trends

Weekly rents rose slightly in Sydney during the June 1995 quarter, but remained stable over the rest of NSW. Newspaper reports indicate that the second half of the year will show greater increases, as the vacancy rate in Sydney is very tight at the moment.

Some statistics from the June 1995 Quarter:

- Median rent, Sydney Metropolitan Area, 3 bedroom dwelling (includes houses, units) \$ 249 / week.
- For the Hunter 3 bedroom median rent was \$150, for Illawarra \$ 160, and the balance of NSW \$150.
- In NSW, 61,788 new bonds were lodged in that quarter. 20,882 for a separate house, 24,810 for a unit/flat. The total number of bonds held in NSW were 422,093, up 5.8% on the previous June quarter.

The "Rent Report" has been produced quarterly by the Office of Housing Policy, but its future is not certain. Which is a concern, as it has useful detailed statistics on rents being charged for new tenancies and bonds held for every Local Government Area in NSW.

## Homes shrinking

There are less people on average in each NSW home, with more single parent families, more people living alone, lower birth rates and (happily) low death rates. This means the State Government planners will have to provide more accommodation for singles and smaller families.

Meanwhile, the rate of population growth in Sydney slowed to just 0.4% in 1992 - 1993 down from 1.8% five years earlier. This is linked to a lower number of migrants arriving in NSW that year, at its lowest level since 1975-76.

A State Government report on population trends says the 2 parents with children is still the most common household in NSW, but single parent families doubled to 10% in the 5 years to 1991. The number of people living alone rose slightly to 20.1%. More than half of all homes in NSW house just one or two people.

## Sydney: wealthiest and most unequal

*Source: Telegraph-Mirror 7/7/95*

Sydney is Australia's richest city, but also has the biggest gap between rich and poor, an economic study has found. Sydney has the highest average wealth and the highest average incomes, said one of the report's authors, economist Phil Raskall.

"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 last 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.

Mr Raskall, who co-wrote the report with Robert Urquhart of the University of NSW Policy Research Centre, said: "In Melbourne, financial assets are unequal but housing wealth is relatively equal, as in income. It's the land of the suburbs with a large middle class.

"Hobart is the poorest both in average income and in wealth. And overall Australian cities are becoming more unequal." The research looked at income assets such as housing, and assets that generate income, such as shares and investments.



# Headleasing

by David Ramsay

There has been a lot of talk about headleasing lately. Headleasing is being talked about by the Commonwealth in its renegotiation of the Commonwealth State Housing Agreement (CSHA).

A 1000 headleasing unit pilot program is being trialed by the NSW Department of Housing, programs are operating in the ACT and Qld and the NSW Community Tenancy Scheme (CTS) has been doing it for years.

## What is it?

Headleasing is where a community group or State Housing Authority (SHA) leases private rental housing so that it can then relet it to its particular tenant group. It is generally a means of acquiring housing to fulfil a short or medium term need.

## Why is it featuring in an article in the "Tenants News"

I think that people need to be aware that both the Commonwealth and the SHA's are talking about it in the context of the CSHA as a strategy to meet the demands of those on the waiting lists for both crisis accommodation and public housing.

The arguments in favour of adopting a headleasing model of provision in contrast to the more traditional capital acquisition model of delivering public housing are that;

It alleviates pressures on the waiting list for public housing (albeit temporarily)

It has the potential to house more people in the short term than the traditional build then allocate public housing provision (in the short term it looks as if governments are housing more people ie it may prove to be an electorally popular strategy).

The SHA can locate people in housing that better suits their needs ie in location and access to services and size of stock (can provide more choice and variety of stock).

## However there are many dangers and unknowns in the adoption of a large scale headleasing program!

The Industry Commission in its Inquiry into Public Housing recognised that a capital acquisition program is the most cost effective means of delivering Public Housing in the long term and that providing properties using a headleasing model was not cost effective.

The SHA will spend more money subsidising the tenants' rent (landlords expect high returns on their properties).

The administrative costs of headleasing are substantially higher than the costs of a capital acquisition scheme as:

- new properties have to be found, and negotiations with landlords have to take place, unlike traditional public housing,
- ongoing negotiations need to take place eg repairs, maintenance etc.
- leases are short and renegotiation ups the administrative costs.

To attract a landlord to the headleasing schemes the SHA's may have to offer higher rents costing the SHA more in subsidy and potentially driving up the costs of rental properties in the market.

No asset is provided for future generations.

There is no capital gain for SHAs

CTS management costs are 50% higher than those of traditional Public Housing (they also utilise a headleasing model).

Security of tenure within a dwelling is seen as one of the major benefits of traditional public housing. Headleasing arrangements will not provide such security.

Low income private rental tenants will now be competing with the SHA's for properties.

## Unknowns

Little is known regarding the long term impact of headleasing programs on the private rental market.

It is unlikely that dwellings acquired by the headleasing program will be able to be substantially modified to suit the needs of people with disabilities (eg sight and mobility)

The willingness of owners to carry out repairs leading to tenant dissatisfaction.

Headleasing fits nicely into election term politics, it can reduce waiting lists and make Governments look good in the short term, however it is not sustainable.

Traditional public housing delivers affordability, security of tenure, is more cost effective in the longer term, and provides an asset for future generations.

# Commonwealth State Housing Agreement

by David Ramsay

## Background

As many of you may be aware the Commonwealth State Housing Agreement (CSHA) is the main mechanism by which housing assistance is delivered in Australia. The CSHA is in its 50th year and is one of the few long standing social justice mechanisms in Australia.

The current CSHA is up for renegotiation, some of you may have participated in the recent community consultations conducted by Shelter NSW and ACOSS.

The Tenants' Union supports the CSHA as a useful mechanism for providing and ensuring housing assistance is delivered in Australia.

The Tenants' Union also supports the continuation of the tied funding arrangements that ensure that the States match predicated levels of dollar contribution. The Tenants' Union has consistently advocated for increased funding of the CSHA.

Funding is allocated through the following programs: the Crisis Accommodation Program (CAP), the Mortgage and Rent Assistance Program (MRAP provides funding for rental assistance schemes provided by State Housing Authorities eg DoH delivered bond assistance), the Pensioner Rental Housing Program (PRHP) the Community Housing Program (CHP), the Aboriginal Rental Housing Program and General Purpose funds.

## The new CSHA

The Commonwealth Government's blurb on the new CSHA is that it is to be more consumer focused. However it misses one large group - private rental tenants (again). The reforms to the new CSHA include:

A new performance based measurement instrument used in relation to how assistance is provided (assumably targeted at public and community housing),

The introduction of 3 year planning cycles,

The removal of the constraints placed on the way States can use their funds (hello headleasing?) at the same time assisting to make the funding more transparent (so we can see where the money's going),

Separating the property and tenancy management functions of the state housing authority (an issue of great concern),

The "untying" of tied funds (the obligation on the states to spend funds and match them in some cases in designated program areas),

Reforms encompassing consumer rights, responsibilities and tenant participation (largely directed at Public and Community Housing and hopefully including a recommendation for a two tier public housing appeals mechanism with determinative powers),

The new CSHA will also herald the development of a Consumer Code of Practice, outlining rights and responsibilities (again focused at Public and possibly Community Housing tenants).

It's a mixed bag. Some of these proposals sound good on paper - transparency of programs, also some of the planning and monitoring proposals. However others are potential shockers - the untying of grants, headleasing and separating the property and tenancy management functions of State Housing Authorities (SHAs)

For the overwhelming majority of tenants - those in the private rental market the CSHA means very little

Some may be aware of the rent assistance payments provided by the DSS or others may have sought assistance from the Department of Housing to cover bonds or other expenses.

These functions are provided by the Commonwealth and administered by DSS and the State Housing Authority (DoH) in the case of the Rental Assistance Scheme. Despite these services most tenants are unaffected by the CSHA, and are largely unaware of its existence.

Landlords on the other hand receive significant assistance from the Commonwealth government in terms of tax breaks and negative gearing.



# "The Big Issues"

## Commonwealth opportunities to reform Residential Tenancies Legislation

The Commonwealth largely views regulation of the private rental market as a States preserve despite criticism of the laws as they exist in many States. However the message has been a confusing one. The statements from the National Housing Strategy (below) assume some Commonwealth involvement.

The National Housing Strategy stated in its 'Agenda for Action' document 1992 that :-

"Renters need to enjoy some of the attributes of home ownership including security of tenure - the right to continued occupation of a home..."

Also the Commonwealth has recently funded research into tenancy legislation and produced the report "Minimum Legislative Standards for Residential Tenancies in Australia", a report outlining legislative practice that forms a "model" for tenancies legislation Australia wide. Tenants Unions were very unhappy with the result, with legislative benchmarks set below many States' current practice.

Other States with Dickensian legislation such as Tasmania were pleased with the result. Its failure to address the issue of "just cause evictions" was one of the report's many failings. Still, despite the report the Federal Government has made some effort in this area and despite the poor results has assumed a role in suggesting reform.

The Commonwealth has, in my opinion, missed an opportunity by failing to utilise the CSHA as a mechanism to ensure adequate legislative protection is afforded to private rental market tenants by the States.

By seeking assurances from the States via the CSHA that they would reform tenancy laws to include provisions such as just cause eviction as a condition of continued funding, real reform could be achieved.

This would make the CSHA truly consumer focussed. Unfortunately this looks unlikely to happen. If the Commonwealth was at all serious regarding its National Housing Strategy, it has missed the opportunity in the new CSHA.

"The Big Issues" is a very different magazine, produced in England with a sister publication in Ireland. The article on Japan in this 'Tenant News' is from the Irish version.

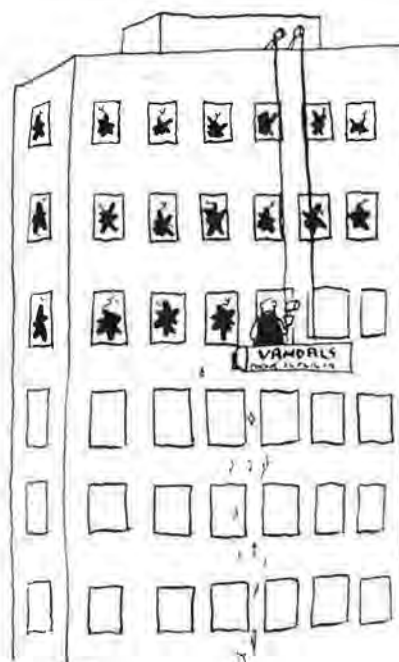
"Big Issues" comes out every fortnight and runs stories on social issues and campaign for the homeless and unemployed - as well as running lighter stuff.

But what makes it really different is that its sold on the streets and in pubs by homeless and unemployed people themselves, who keep 50 pence per copy of the one pound cover price.

The magazine states "The Big Issue does not collect money on the streets. We sell magazines. It gives homeless and unemployed people the chance to earn an income, control their lives, and to voice their views and opinions.

"The magazine is self funding through corporate sponsorship and advertising sales. As profits accrue they will be spent on vocational training, job creation and housing projects."

What a brilliant idea. If anyone gets the time it would be worth seeing if something like this could be done in NSW. It would be a large but valuable project for some progressive journalists and housing workers.



## Tokyo's homeless

Source: "The Big Issues" magazine, Ireland

As Japan - one of the richest countries in the world - enters the worst economic recession in its history, a new social problem is emerging, and nobody wants to deal with it.

An example: only five years ago, 55 year old Masami was a 'salaryman'. Entering a company direct from university, he expected to serve there until his retirement. But Masami was forced out of his company by the recession. He ran out of confidence, hope and national insurance.

Now living in an underground station, he spends every day searching for any job which will enable him to survive. Because he is unskilled, work is difficult to find and the pay is low. He receives help from the Hare Krishna group which comes every Wednesday, as well as food gifts from some nearby restaurants.

Masami is not alone, latest estimates suggest there are about 2000 people living rough in Tokyo, yet the government, it seems, is ignoring the problem.

There has always been a tradition in Japan of people who have chosen to opt out of the rigidly conformist society by leaving home; they are called the 'furosha', literally 'the floating, drifting ones'. But the majority of the current homeless are not looking for an alternative lifestyle, they were forced into their cardboard boxes by economic hardship. Most are men in their 50s, and do not, as opinion has it, choose to live this way.

There is a great stigma attached to being homeless in Japan, as traditionally the family, neighbourhood, community or even the company takes care of its members. Unlike Britain, there is virtually no tradition of voluntary or charity work, and marginalised people are ignored if they fall outside the system.

The government is not sympathetic. Last summer the municipal government in charge of Masami's underground station home cleared a large area inhabited by homeless people in the station and put in decorative plants to keep them out. A pressure group was formed and every week it demonstrates in one of the main stations, demanding human rights for homeless people.

Public sympathy grew after NHK - Japanese national TV - screened a report about a 70 year old homeless man who kept a diary on what he called the "camping life". He collected cardboard to sell, but there was less and less available. He died shortly after describing how the cold weather had "done him in."

The city authorities opened a basic hostel for day workers to bathe, eat and sleep, but it is still too expensive and too limited to prevent the number of campers rising. Last year 400 people died on the streets of Tokyo.

## Korean battle

In Australia politics is played fairly hard at times, but in South Korea its played even tougher and apparently by different rules.

Reuter/Park Sri-ung recently distributed a photo of tenants using some very direct action to defend their homes, and it appeared in the Australian press. The photo featured a very impressive flame thrower. The caption reads :

"Thirty blocks of flats have been earmarked for destruction and the residents are demanding alternative housing before they are forced out. Residents of a block of high rise flats in Seoul turn an improvised flame thrower on the private security guards tried to evict them."





# NSW tenants' services - progress

*Establishment of the Tenants Advice and Advocacy Program (TAAP)  
Article by Toni Brown*

Since our last publication we are happy to report that several community organisations have been notified as the successful tenders in the bid to run Tenants Advice and Advocacy Services (TAASs) across the State. The following organisations will auspice the service areas identified below:

## **North Coast TAAS**

Lismore Neighbourhood Centre

## **Central Coast TAAS**

ITRAC Wyong

## **Southern Sydney TAAS**

Canterbury Bankstown Migrant Resource Centre

## **South West NSW Aboriginal TAAS**

Construction and Management Services Aboriginal Corporation, Batemans Bay

## **Western NSW Aboriginal TAAS**

(Gunya Aboriginal Tenants Advice Service)

Thubbo Aboriginal Medical Co-operative

## **Caravan Parks Resourcing Body - NSW**

Parks Occupants Information Service (POIS)

These organisations will be busy over the next few months establishing their services, and so it is unlikely that they will be operational before February 1996. For a current listing of operational TAASs throughout the State, see Page 19 of this Tenant News.

The other two services still to be announced under the Program are the Northern NSW Aboriginal Service and the Sydney-based Aboriginal Resource Worker. We expect that these services will be announced next year.

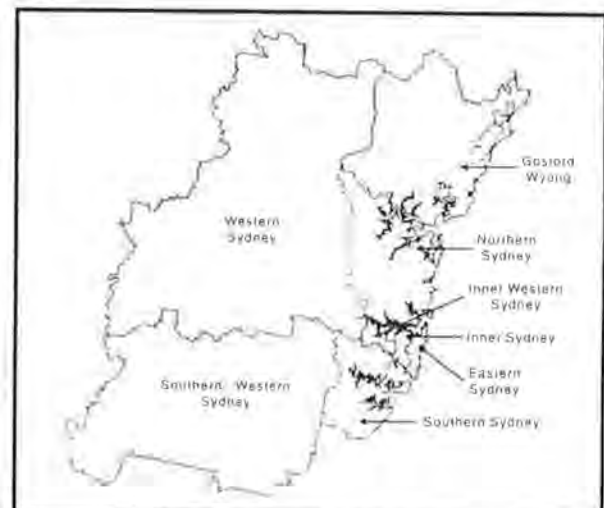
In the meantime, any Aboriginal organisations located in the Northern area of the State who are interested in auspicing a Tenants Advice and Advocacy worker should contact Suzanne O'Neill in the Office of Housing Policy on (02) 228-5475.

## **TAAP Unit of the Tenants Union**

As reported in our last newsletter the Tenants Union was awaiting notification regarding proposals put to the Ministry to cover the costs of a generic TAAP advertising campaign and translations of tenants information resources.



INSET



# Nita McCrae

We were successful in our bid for funds and we are currently working on the development of fact sheets to be translated into nine majority and twelve minority languages. It is anticipated that these resources will be of essential value in assisting the services to access tenants advice to the appropriate language groups.

The Tenants Union is also currently developing a logo, poster and information brochure for all the tenants services in NSW. These resources will be useful in getting the message out to all tenants in NSW about how they can obtain advice.

In 1996 the Tenants Union, in conjunction with the NSW Tenants Advice and Advocacy Services, intends to consult widely with housing workers and tenants in developing a draft standards manual for Tenants Services in NSW. We will keep you posted of further developments.

Aside from the above initiatives the Tenants Union remains the main training resource for the new Tenants Advice and Advocacy Services and we have been busy training new workers in basic advice and advocacy as the new services come on board.

One of the main aims of the TAAP Unit of the Tenants Union over the next few months will be to finalise reporting formats to the government and to develop the first stage of a computer software system to collect data on all service delivery in NSW.

## **Funding body: name change**

For those of you who knew that we (TAAP) were originally funded under the Ministry of Housing, Planning and Urban Affairs, a short history.

After the Carr Government came to power in March 1995 the responsibility for the Tenants Advice and Advocacy Program's administration was shifted to the Office of Real Estate Services under the Department of Consumer Affairs. The Office of Real Estate Services no longer exists in that entity, nor does the Department of Consumer Affairs.

The Program is now administered by The Department of Fair Trading and will be evaluated in 1997 by the Office of Housing Policy. The Minister for the Department of Fair Trading is the Honourable Faye Lo Po.

Nita McCrae was a local who fought hard to save The Rocks and its residents from developers in the 70's.

In 1973 Playfair Street in The Rocks was in full revolt as 72 residents (many related to Nita) were arrested trying to enforce the Green Bans and stop demolition of their homes.

People recall Nita in full flight putting it to the police in attendance: "Mr Askin sent you down here to stop this because he hasn't the guts to come down here and talk to us. Law and order? Why don't you go up to Parliament House and enforce it up there?"

She is remembered for her 'People's Plan for the Rocks', for helping many people in Glebe as a Federal Housing Officer, and for Darling House, the 9 bed hostel for the elderly which was dreamed up in the 70's.

In 1929 Nita was born in Atherton Place, The Rocks, where 5 of it's 6 houses were occupied by her extended family. She lived there or just around the corner most of her life. She died in September 1995. Nita was a real woman of the people.



# Love affair with a building site

*Amalina Wallace's account of getting Co-op Housing built in NSW  
Article supplied by Association to Resource Co-operative Housing (ARCH)*

This is my third trip to the new site. The sight of builders and pile drivers is giving me feelings I never knew I had. (I can't take that drilling...) What is it about a bulldozer that arouses such frivolous feelings? Is it the strength, that overwhelming desire to surrender to something with broad shoulders? Or is it the way I see it bulldozing away those rotten years waiting, waiting.... Where did they all go?

...1984... the winds howling around the tall housing commission flat. Maroubra was full of red bricks and shopping malls. Even the sea was dark. For two years I had patiently been waiting for Extended Family Co-op to be bought or built. Eviction from our rented house in Erskineville was not a pretty memory.

Now me, the three kids and my "how to budget for a family on \$140 per week" booklet had made it to public housing, three stories up. No yard, shared washing line (bad for the budget - someone else is wearing my 100% cotton shocking pink pyjamas), and one and a half hours away on public transport from any sign of recognisable life.

I remember the joyful day the men came to the flat. They didn't speak English and I didn't speak Cantonese. Gesticulating wildly, I worked out that they had come from the Department of Housing to rip out the bath, and they worked out that I lived there, and there was no man in the house. They drilled out the bathroom wall in the process of removing the bath, so there was a clear view of the toilet in the next room.

Can you imagine needing to go to the toilet, and explaining in sign language to five men that they have to go outside the bathroom ... never mind. The next joy was when they broke the water main and flooded the kids' bedroom. Another poignant moment was discovering that they were removing a good old huge enamel bath and replacing it with a compact plastic one. They decorated it with permanent burns from their butted cigarettes.

In January 1987 I made the move, right back into the work force and out of public housing. Long hours, low pay, high rent, but I was assured that the co-op would be available very soon. Then the sideways shift into a new design and build co-op. Don't do it?... they said.. it'll never happen... but being a glutton for punishment I started the whole process all over again... 1988... the site.. we enquired at council and immediately they put it up for auction.

We persuaded council that the DoH really was very keen to buy, and they waited patiently for a year and a half. No response from the DoH, so we got Sandra Nori (local MP) and ARCH to guide us, and finally negotiated the process with them ourselves. SHOCK and outrage from DoH - how dare we do such a thing... more years of waiting, the factories were knocked down and Bruce the Goose moved in to protect the property for us...the weeds grew..., more than shoulder high, and most of our members now have grey hair. One has gone to that great co-op in the sky.

He was eating a hamburger and listening to the radio and talking to a friend and doing a right hand turn when the car phone rang.



It was his wife "I can't stand it any more", she said "this mad, crazy life. I can't cope. Come home and help!"



"Hell!" he thought as he put down the phone and sped through a red light with the radio blaring saying with a mouthful of hamburger to his friend and lighting a cigarette. "It's the little woman she's cracking up!"



From  
Page 8

# A modest admission

*This essay was written by a university applicant to the question "Are there any significant experiences you have had, or accomplishments you have realised, that have helped to define you as a person?" The author Hugh Gallagher, is currently studying at New York University. It appeared this year in a London newspaper.*

I am a dynamic figure, often seen scaling walls and crushing ice. I have been known to build model train stations on my lunch breaks, making them more efficient in the area of heat retention. I translate ethnic stars for Cuban refugees, I write award winning operas, I manage time efficiently. Occasionally I tread water for three days in a row.

I woo women with my sensuous and god-like trombone playing, I can pilot bicycles up severe inclines with unflagging speed, and I can cook Thirty Minute Brownies in 20 minutes. I am an expert in stucco, a veteran in love and an outlaw in Peru.

Using only a hoe and a large glass of water, I once single-handedly defended a small village in the Amazon Basin from a horde of ferocious army ants. I play bluegrass cello...I am the subject of numerous documentaries. When I'm bored, I build large suspension bridges in my yard. I enjoy urban hang gliding. On Wednesdays, after school, I repair electrical appliances free of charge.

I am an abstract artist, a concrete analyst, and a ruthless bookie. Critics worldwide swoon over my original line of corduroy evening wear. I don't perspire, I am a private citizen yet I receive fan mail...Last summer I toured New Jersey with a travelling centrifugal force demonstration... My deft floral arrangements have earned me fame in international botany circles. Children trust me.

I can hurl tennis rackets at small moving objects with deadly accuracy. I once read Paradise Lost, Moby Dick and David Copperfield in one day and still had time to refurbish an entire dining room that evening... I have performed several covert operations for the CIA. I sleep once a week; when I do sleep, I sleep in a chair. While on vacation in Canada, I successfully negotiated with a group of terrorists who had seized a small bakery. The laws of physics do not apply to me.

I balance, I weave, I dodge, I frolic, and my bills are all paid. On weekends, to let off steam, I participate in full-contact origami. Years ago, I discovered the meaning of life but forgot to write it down. I have made extraordinary four-course meals using only a mouli and a toaster oven. I breed prize winning clams. I have won bullfights in San Juan, cliff-diving competitions in Sri Lanka and spelling bees at the Kremlin. I have played Hamlet, I have performed open heart surgery, and I have spoken with Elvis.

But I have not yet gone to college.





# NSW Tenants Advice and Advocacy Services (TAASs)

## Regional Services

**Inner Sydney**  
Redfern Legal Centre  
Tenants Advice Service  
73 Pitt St Redfern 2016

Ph: (02) 698 5975

**Inner Western Sydney**  
Marrickville Legal Centre  
Tenants Service  
338 Illawarra Rd Marrickville 2204

Ph: (02) 559 2899

**Southern Sydney**  
**NON OPERATIONAL**  
139 Beamish St Campsie 2194

Ph: (02) 789 3744

**South West Sydney**  
South West Tenants Advice  
PO Box 1042 Liverpool 2170

Ph: (02) 601 6577

**Eastern Suburbs Tenants Service**  
27 Spring St Bondi Junction 2022

Ph: (02) 386 9147

**Western Sydney Tenants Service**  
PO Box H86 Harris Park 2150

Ph: (02) 891 6377

**Northern Sydney**  
Northern Area Tenants Service  
16 - 18 Fitroy St Kirribilli 2061

Ph: (02) 9964 9654

**Central Coast**  
**NON OPERATIONAL**  
PO Box 375 Wyong 2259

Ph: (043) 52 2627

**Hunter TAAS**  
PO Box 84 Newcastle 2300

Ph: (049) 29 6888

**North Coast**  
**NON OPERATIONAL**  
Lismore Neighbourhood Centre  
PO Box 525 Lismore 2480

Ph: (066) 223 317

**Illawarra/South Coast**  
Illawarra Legal Centre  
Tenants Service  
PO Box 139 Warrawong 2502

Ph: (042) 74 3475

**Western NSW**  
Western Region TAAS  
71-89 Kite St Orange 2800

Ph: 1800 642 609

## Aboriginal Services

**North West NSW Aboriginal TAAS**  
**NON OPERATIONAL**

**Western NSW Aboriginal TAAS**  
Gunya Aboriginal Tenants Service  
**NON OPERATIONAL**  
PO Box 435 Dubbo 2830

Ph: (068) 84 8211

**South West NSW Aboriginal TAAS**  
**NON OPERATIONAL**  
PO Box 1138 Batemans Bay 2536

Ph: 1800 672 185

## Resourcing and Development Services

**NSW TAAS Resourcing Body**  
Tenants Union of NSW

68 Bettington St Millers Point 2000 Ph: (02) 247 3813

**NSW Caravan Parks**  
**Resourcing Service**  
**Parks Occupants Information Service**  
**NON OPERATIONAL**  
C/- CPSA  
Level 11/35 York St Sydney 2000

Ph: (02) 262 6722

**NSW Aboriginal TAAP**  
**Resource Worker**  
**NON OPERATIONAL**

## Associated Services

**NSW Aged Tenants Service**  
**Combined Pensioners and**  
**Superannuants Association**  
Level 11/35 York St Sydney 2000

Ph: (02) 262 6722

**Tenants Union Hotline**

Ph: (02) 251 6590





## 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

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