

# tenant **NEWS**

No. 58 NSW DECEMBER 1996

ISSUE OF JUSTICE



## I N S I D E

LEGAL AID STOPPED FOR TENANTS

RESULT AT GOODOOGA

BORDERS AND LODGERS: NEW LAW?

PUBLIC HOUSING LATEST

WORKING WITH PEOPLE WITH PSYCH. DISABILITIES OLYMPICS UPDATE

# 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, worked to set up services and to let tenants know about their rights.

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

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# Contents

|   |    |
|---|----|
| Legal Aid stopped for tenants .....                 | 3  |
| Retirement villagers win - for how long? .....      | 3  |
| The latest on public housing .....                  | 4  |
| The danger to public housing .....                  | 5  |
| Privacy and computer lists .....                    | 6  |
| NSW Government and social justice .....             | 6  |
| Olympics update .....                               | 7  |
| Boarders and lodgers: new law? .....                | 7  |
| Tribunal decisions on internet .....                | 7  |
| Tenant not evicted: hardship considered .....       | 8  |
| Landlord prosecuted .....                           | 9  |
| Good result at Goodooga .....                       | 9  |
| Discrimination law developments .....               | 10 |
| Administrative Tribunal .....                       | 10 |
| Working with people with psych disabilities .....   | 11 |
| Department of Fair Trading's Tenancy Services ..... | 12 |
| Share housing survival guide .....                  | 12 |
| Two new Aboriginal workers .....                    | 12 |
| Caravan service news .....                          | 13 |
| Tenants Union hits 20 and makes history .....       | 14 |
| Robert recalls .....                                | 14 |
| Tenants in Denmark .....                            | 15 |
| Istanbul declaration on human settlements .....     | 15 |

## Legal Aid stopped for tenants

Written by David Ramsay

On November 11 it was reported that the NSW Legal Aid Commission was cutting legal aid in a number of areas, including: "Denying aid to tenants and residents of retirement villages who face actions in the Residential Tenancies Tribunal."

The Commonwealth Government provides the States with money for Legal Aid. This helps people who have to go to court, but can't afford to pay for a lawyer or the court costs. The aim is to give everyone equal access to the legal system and justice. As a group, tenants in NSW will suffer a major loss if the cuts go ahead. As reported in the last 'Tenant News', the 1996 Commonwealth budget made big cuts to legal aid funds granted to the States, with NSW losing \$12 million a year.

Tenants in NSW often rely on the Legal Aid Commission's solicitors to represent them in more difficult cases in the Tribunal. The Tenants Union, with only one solicitor, cannot legally represent tenants in all of these cases, so many tenants will not get needed legal representation.

Also, without access to Legal Aid Commission solicitors, the Tenants Union will find it much more difficult to run test cases and carry out law reform work. Legal Aid Commission solicitors have been instrumental in most of the major tenancy test cases run in the Supreme Court in the past few years. Such test cases are vitally important, as they produce decisions about the legal rights of all or many tenants.

Lynne Wilkins, a solicitor with the civil litigation section of the Legal Aid Commission, says it will be tough to face people and tell them she can't take on their case. "I think most Australians believe in the idea of a fair go, but that will become an empty sentiment if we don't provide equal access to the people in our society who are the most vulnerable," said Ms Wilkins.

Landlords and estate agents are more likely to be able to afford legal representation, giving them a huge advantage in those more legally complicated cases. Tenants will lose cases in the Tribunal that they should not lose. That's justice denied.

The Tenants Union is asking people to write to the State and Federal Governments. For information: David Ramsay, Tenants Union, (02) 9252 3215.

## Retirement villagers win - for how long?

On Wednesday 27 November, seventeen older people living in a retirement village won a landmark legal battle to stop the owners, Christian Enterprises, raising their rents by more than 250 per cent.

The Supreme Court ruled that the rent increases at Elim Retirement Village, Caringbah, did not comply with the Retirement Village Industry Code of Practice. The judge ruled that the complex was a retirement village and could not be treated as a strata title development. The residents claim the rent rise, on top of their lump sum contributions of up to \$20,000, would have used up most of their pensions.

This victory was made possible by the granting of Legal Aid to the residents to take their case to court. The ruling was hailed by Legal Aid lawyer Ms Sunila Srivastava as a "historic victory for the individual against a large and powerful opponent." The case received a lot of media coverage on all TV network news bulletins and major current affairs programs, plus the main daily newspapers. There was footage of Ms Srivastava being toasted by the triumphant residents.

However, this win is under immediate threat. The landlord, a non-profit Christian society, has said that it is highly likely to appeal the decision. The Legal Aid Commission has said it may no longer be able to help, so the residents would have to raise \$10,000 to defend an appeal. Ms Srivastava said: "If the commission cannot fund an appeal, then there would be a travesty of justice... they would be unable to represent themselves, so the other side will effectively win."

The Legal Aid Commission took on the case to preserve the rights of the State's retirement village residents, but with recent Federal Government cuts to legal aid funding, it appears unlikely to fund the appeal. This example shows us the importance of legal aid, and that it must be preserved for tenants and Retirement Village residents in NSW.

# The latest on public housing

Article by David Ramsay

The last 'Tenant News' outlined the proposed changes to the Commonwealth State Housing Agreement (CSHA), which provides Commonwealth funding for public housing and other housing in the States. There have been some developments in the responses to the Federal Government's proposals.

The States are gradually starting to see problems. Most States are realising that, with the shift of housing responsibility from the Federal Government to the States, they will be the ones on the receiving end of the voter backlash that is set to stem from the proposals.

Cracks are beginning to show. The Federal Cabinet has split twice over proposals to cut dollars from the CSHA. The rumoured cuts did not eventuate. The Prime Minister and Federal Cabinet affirmed that there would be no cuts to the housing budget.

The Federal Minister responsible for housing, Jocelyn Newman, fought Cabinet to retain funding, and good on her for those efforts. However, the policy direction of the 'feds' remains the same - a move to market rents in public housing, increased reliance on the private rental market to provide for low income people and no supply side strategy for public and community housing.

Community pressure is starting to build with numerous rallies, petitions and letters to newspapers. State governments are also reacting to the proposals. Below is an outline of the States' responses:

**Victoria:** Jeff Kennett has stated that the Federal proposals were "unlikely to work" and has stated that the rental subsidy increase for private renters would be indexed to CPI and become "the greatest milking cow of all time." "The Age" published an article which said that States did not agree with the Commonwealth's change in policy, quoting a spokesperson for the Victorian housing minister.

**Northern Territory:** The Northern Territory Government has cautiously stated that it would not support any proposals that would effect the States' ability to provide affordable housing for the aged and disadvantaged.

**Queensland:** A cautious supporter of the initial proposals, the Queensland Minister for Housing has done a complete about face and is now outwardly objecting to the reforms.

**NSW:** NSW Minister for Housing, Craig Knowles, has publicly condemned the proposals from the start.

**ACT:** Has done a complete back-flip and is starting to oppose the proposals, despite its own recent proposals to sell off a great deal of its public housing stock.

**South Australia:** The South Australian Government has been very quiet about the changes - our fear is that the State's Premier's Department and Treasury may find the prospect of taking control of this large public asset very tempting, particularly considering its large state debt and the fact that its stock is 12% of all housing in SA.

**Finally, the Federal Labor Party** (the ones who initially designed the proposals) are now officially against the proposals. Jenny Macklan, Federal Labor's Spokesperson on Housing, has made public statements to the like.

It looks as though the proposals won't be implemented next June, which gives us some breathing space. The whole sector is now much better informed and mobilised, however it is important to keep the public pressure up.



# The danger to public housing

If the Federal Coalition Government's planned radical changes to public housing are successful, they will have a dramatic impact on public and private tenants in Australia.

The Commonwealth State Housing Agreement (CSHA) sets out how the Commonwealth Government funds the state governments to provide housing. For the last 50 years, this funding has been used for existing and new public housing, and other strategies that include subsidies for rent paid by low income people who are renting privately.

The previous Labor Minister for Housing, Brian Howe, proposed that a greater subsidy be given to people renting privately. At present, people in public housing get a larger rent subsidy, on average, than tenants who rent privately. Labor wanted to gradually make the level of subsidy to the two groups more equal.

The new Federal Coalition Government has adopted parts of this policy, but is threatening the future of public housing in Australia. It is proposing that it will no longer give the states governments funding specifically for new public housing, and that it will hand over responsibility for public housing to the states. The possible effects of this are frightening. If there is no more building of public housing, more low income people will be forced to rent on the private market for all of their lives. Private landlords

and estate agents are not interested in housing these people, and private rental laws give tenants inadequate protection from evictions and rent increases.

Private tenants on low incomes are supposed to be the big winners, but the big winners are more likely to be private landlords. In NSW and nearly all other states, there is no regulation of rent increases, so rents are set purely by supply and demand and tenants' ability to pay. If there is a large increase in rent subsidies paid to a large number of low income tenants, the pressure on the market will be for rents to rise. The subsidy will largely end up in the pockets of the landlords. The only way to protect against this would be through greater rent regulation by all of the states.

Australia faces the prospect of many disadvantaged people having to fend for themselves in private rental rather than having the security of public housing. The Olympics in 2000 may see Sydney with a lot more homeless people, and people living in poverty because of high rents.

Australia could do well to have a close look at New Zealand, where a similar program of rent subsidies was put in place. Large amounts of public housing were vacated by public tenants who could no longer afford to live there, or chose not to, as the housing became too expensive and was often in poor condition. A great deal of this public housing was sold off to private investors.

Many of the people now in public housing in New Zealand are wealthier tenants. There is also a great deal of overcrowding in public housing in New Zealand, as poorer tenants struggle to afford the higher rents. People on low incomes in New Zealand are now paying much more for their accommodation than they were a few years ago. One result has been a huge increase in the number of people who are relying on 'food banks' (food supplied by charities) to feed themselves properly.

The CSHA negotiations between the Commonwealth and State Governments have now stalled and there appears to be a temporary reprieve from these proposals. But the battle has simply been put off.



## Privacy and computer lists

The Federal Attorney-General's Department has released a discussion paper called "Privacy Protection in the Private Sector", which looks at regulating the collection and use of personal information by private organisations.

This is an opportunity to get some controls over "bad tenant" computer lists. At present, many tenants are put on these lists without their knowledge and their records could make it very hard for them to rent another place. There is no way of checking what your last landlord has said about you. A landlord who has had a dispute with a tenant can simply provide false information about the tenant.

Its a lousy situation, giving landlords even more power over tenants, and denying tenants decent accommodation. The Tenants Union, Tenancy Legal Working Party, Legal Aid Commission, National Association of Tenant Organisations and some tenants advice services are responding to the Government's discussion paper.

The Australian Financial Review reported on November 12 that a Sydney on-line service was offering a case of wine to estate agents who provide the most information about their tenants. You have to wonder how relevant or accurate that information will be.

### New book: "working the system"

"Working the System: A guide for citizens, consumers and communities" is a book produced by the Public Interest Advocacy Centre (PIAC). It provides unique, useful and easy-to-understand information designed by help community workers and activists work their way through the institutional maze of government, parliaments, the courts and the public service. The structure of the publication makes it easy for you to find the information you need.

Interviews, case studies and advice from successful advocates complement the wealth of useful information about the system. It costs \$19.95 and is available by mail order from PIAC, Level 1, 46-48 York Street, Sydney, NSW 2000, Ph: (02) 9299-7833, Fax: (02) 9299-7855 or Email: [piac@peg.apc.org](mailto:piac@peg.apc.org)

## NSW Government and social justice

In October, the NSW Government released the NSW Social Justice Directions Statement, entitled "Fair Go, Fair Share, Fair Say". The NSW Government has made a number of important commitments, such as:

The Government will examine ways to protect the rights of people living in nursing homes, hostels and boarding houses through reviews of the relevant legislation and policy over 1997-98.

The Government will review the relevant legislation and policy for retirement villages by June 1997 in order to ensure that residents' rights are adequately protected.

The Government has established an Accommodation Task Force which will review the accommodation needs of people with disabilities and older persons. The Task Force will report to the Government by August 1997.

The Government will develop a new mental health policy and strategic direction by December 1996 to improve the way mental health services are delivered in New South Wales.



## Olympics update

The Tenancy Legal Working Party of the Tenants Union has prepared a submission to have the Residential Tenancies Act amended for the Olympics. It will be distributing this shortly and we will be asking for letters of support when this is put to the Minister for Fair Trading, Faye Lo Po.

Meanwhile, the Tenants Union has received support for law reform from the Olympic Social Impact Advisory Committee. On November 8, that Committee passed the following motions:-

**"1. The Olympic Social Impacts Advisory Committee recommends that formal measures including legislation be put in place to provide the private rental tenants of Sydney with greater protection against unfair rent increases and increased security of tenure during the Olympics period.\***

**2. The Olympic Social Impacts Advisory Committee recommends that legislative protection be afforded to Boarders and Lodgers as well as long term residents of hotels and motels and that legislation be in place by December 1997.**

**\*Olympics period to be defined as beginning January 1 1998 to December 31, 2001, inclusive."**

## Boarders and lodgers: new law?

Boarders and Lodgers in NSW have no rights as tenants in NSW, but there is finally some change coming. The Boarders and Lodgers Action Group (BLAG) is advocating for boarders to have better laws - the Tenants Union is represented on that group.

The last attempt to bring in laws for boarders and lodgers was in 1991, under the then Coalition Government Housing Minister, Joe Schipp. The Property Owners Association and the Australian Hotels Association were opposed to significant reform, there was a deadlock between the Government and the Opposition and minor parties, and in the end the Bill was dropped.

Its time for another attempt. The NSW Minister for Fair Trading, Faye Lo Po, has circulated draft principles for Boarders and Lodgers Legislation, which her Department is drafting. BLAG is not overwhelmingly happy with the draft so far. For example, the proposals do not cover share houses and the landlord could evict a boarder without going to the Residential Tenancies Tribunal. BLAG is having its first consultations with the Department of Fair Trading, who are also talking to the Property Owners Association and Australian Hotels Association.

## Tribunal decisions on internet

The Residential Tenancies Tribunal's Written Decisions can now be accessed on the internet via the Foundation Law/AustLII site. The address for AustLII is <http://austlii.law.uts.edu.au>

The Foundation Law/AustLII site contains an expanding range of legislation and case law. It is an initiative of the Law Foundation. It aims to provide the community with accessible and inexpensive legal reference sources. For further information, ring the librarian of the Residential Tenancies Tribunal, on (02) 9249-0736.



## Tenant not evicted: hardship considered

Source: 'Tenancy Times' Spring Edition 1996, Department of Fair Trading

There was an important decision earlier this year in the Residential Tenancies Tribunal. In case number 96/531, the landlord made an application for orders to end the tenancy agreement and regain possession of the premises. The reasons for making the application were that the tenant had not vacated the premises after being given over 60 days' notice to terminate without grounds. The landlord had advised the tenant he wished to sell the property.

The tenant did not attend the hearing, due to illness, and was represented by a friend who presented a submission from her.

Information given by the landlord's representative and the tenant's submission agreed in all the facts relating to the termination notice. The dispute arose because the tenant does not wish to vacate the premises. The landlord's representative stated that the landlord might agree to a later vacation date in view of the tenant's ill health and the fact that she had nowhere else to live. The tenant was contacted by telephone during the hearing but was not willing to agree to vacate at any date.

The tenant's submission pointed out the Tribunal's requirement under Section 64(2)(c) and

65(2) to consider the relevant circumstances of the case and the relative hardship of the tenant before making an order to terminate a tenancy agreement. The tenant submitted that in the circumstances of this case it would not be appropriate for the Tribunal to make the order for possession.

The Tribunal member considered a 1994 Supreme Court judgement (*Swain v RTA*) which noted that in cases where notice is issued without there having been fault on the part of the tenant, circumstances which may have to be taken into account include the length of time the tenant has occupied the premises, the tenant's age and state of health and the inability of the tenant to find other suitable accommodation.

In this case, the landlord's representative indicated that there was no issue of hardship on the landlord's behalf, and that the landlord had not decided whether to sell the property or re-let it.

Because of the special circumstances in the case, the Tribunal did not make the order for possession. In other words, the tenant won. This is an important decision because it means that the Tribunal will not always terminate a tenancy when the landlord gives a 60 day 'no cause' termination - depending on the relative hardship which the tenant may suffer if evicted and the other circumstances of the case.



## Landlord prosecuted

For over a year, the Tenants Union has been concerned that the Department of Fair Trading was not prosecuting landlords who seriously broke the Residential Tenancies Act. However, recently the Department of Fair Trading started proceedings against a Wollongong landlord, Liborio Munive, and in September he was convicted of 19 breaches of tenant and landlord laws, ordered to pay \$950 and given a 3-year good behaviour bond.

The Minister for Fair Trading, Faye Lo Po, sent out a press release headed "Minister puts 'landlords from hell' on notice", which went on to say: "The previous Government seemed to have a policy of taking no action against landlords no matter how badly they behaved. It let them run amok, trampling on the legislated rights of tenants. Those days are over". It was picked up by various media, including Sydney and Wollongong papers - with photo.

The Tenants Union hopes that the Department of Fair Trading will continue pursuing landlords who persistently flaunt the law, and that these cases are publicised. This is a very effective form of education for landlords who may be tempted to break the law.

## Good result at Goodooga

Source of information: Cecil See, Gunya Aboriginal Tenants' Service

At Goodooga, in North Western NSW, a long-running dispute between an Aboriginal Housing Company and its tenants has been settled. This was a complex case with the tenants complaining that maintenance and repairs were not being carried out, and the Housing Company saying that it could not carry out repairs because rent was not being paid. Some of the residents have been tenants with the Company for 16 years. Cecil See of Gunya Aboriginal Tenants Service acted on behalf of the tenants.

In late November the Residential Tenancies Tribunal held its third hearing on the matter. This hearing was a little unusual in that it was held at the premises of an Aboriginal organisation in Goodooga. The Tribunal member took the opportunity to inspect the houses that were in question. Both parties agreed to a Conciliation hearing.

In the end an agreement was reached and the tenants are happy with the outcome. The slate has been wiped clean regarding rent arrears (rent receipts were not adequate) and new Residential Tenancy Agreements will be signed. It was agreed that emergency repairs would be carried out within 21 days.

An interesting outcome is that the parties have agreed to set up a committee to work on a repairs and maintenance program over the next 12 months. That committee will be made up of 3 Directors of the Housing Company, 3 tenants, and the Aboriginal tenant worker, Cecil See.

Cecil has done a fair bit of work with these tenants, providing them with information and resources so that hopefully they will be able to run their own tenancy cases in the future. For more information about this case contact Cecil See on (068) 84 8211.



Giorgio Armani at home

## Age and marital status: discrimination when renting

Source: Anti-Discrimination Board Annual Report 1995/96

The complainants, two 23 year old single men, alleged that their application to rent a house was rejected by a real estate agent on the basis they were too young and the agent wanted a family in the house. When the agent was told that a complaint had been made against him, he said that he "was just following the orders of the owner" and that other applications had been received. During conciliation, the respondents agreed to the complainants request for compensation for their out-of-pocket expenses - \$200 each and a written apology.

## Transgenders protected by Anti-Discrimination Act

Source: 'Equal Time' August 1996, newsletter of the Anti Discrimination Board of NSW

On 5 June 1996 the NSW Parliament passed a law which adds transgender discrimination and vilification as grounds of unlawful discrimination under the Anti-Discrimination Act. Both the Anti-Discrimination Board and transgender organisations have been lobbying government for many years to legislate for this change. The new law will protect people who live, or seek to live, as a member of the opposite sex, from discrimination, harassment and vilification.

## Administrative Tribunal

Source: NCOSS News November 1996

The NSW Government plans to establish a tribunal to review public sector decisions early next year. It is to be called the Administrative Decision Tribunal (ADT). The Tribunal will review decisions on their merits and the Government will also introduce rights to get reasons for decisions and be informed of review rights.

Whilst many community and consumer organisations support this type of initiative, there are several critical issues which require resolution before the powers, structure and procedures of the Tribunal are finalised. These include:

- The types of decisions the ADT should be able to review;
- The measures required to ensure that disadvantaged people will be able to get access to the ADT;
- The impacts of mergers of other specialist Tribunals into the ADT structure;
- The areas of government activity which may be exempted from ADT coverage;
- The degree of ADT coverage which may extend to non-government organisations which are funded and/or contacted by government agencies;
- Monitoring and reporting mechanisms to assess the effectiveness of the ADT; and
- The implications of a State ADT for legal aid service delivery.

The Attorney-General's Department, which is responsible for developing the proposal, has indicated its willingness to consult broadly about these matters. Community and consumer organisations may wish to approach David Bowe, Assistant Director-General, on (02) 9228-7574.

The Combined Community Legal Centres, in conjunction with PIAC, is preparing a submission and developing a lobbying strategy in relation to the proposed ADT. You can contact PIAC on (02) 92997-7833. NCOSS will also be forwarding a submission to the Attorney-General.

*Editor's Note: The Tenants Union is interested to see if the Administrative Tribunal will review Department of Housing decisions on matters such as granting of public housing and transfers.*

# Working with people with psych disabilities

This September the NSW Association for Mental Health provided tenant workers with training on working with people with a psychiatric disability. As part of the workshop Marilyn, a person with schizophrenia, talked about her experience and people's attitudes towards mental illness. She gave some very useful tips and information. For example, if a worker was interviewing someone with a tenancy problem who appeared to have a psychiatric illness, she recommended :

Interview the person in a quiet room, one to one if appropriate.

Don't leave a person with a psychiatric disability waiting in a busy waiting room, they may have heightened sensitivity and it can be very distressing.

Where possible, make an appointment time and stick to it.

Offer a glass of water to help make them feel their needs are being considered (it's usually best not to offer coffee, soft drinks, chocolates or other stimulants if the person is anxious.)

Ask clear simple questions, not a whole lot of complicated questions at once.

Talk reasonably slowly, but not in a condescending way.

The tone of voice is very important, try to sound clear, calm and measured. This can be soothing. It doesn't help if you sound stressed yourself. This is equally important over the phone.

Try to be as human and considerate as possible. It is very important that the person feels you are someone who is concerned about their needs.

You need to take a step back from being super efficient, as presenting that way can be alienating.

Don't keep the interview going too long if its making no more progress.

With practice you will develop your technique in working with people with psych disabilities. It will then take you less time to feel your way through a situation and know what's useful and what's not.

You need to put aside extra time to work with and be considerate of this persons disability.

A bit of sympathy goes a long way and may help you successfully work through a situation.

Marilyn also pointed out that for some people the only human contact they had was with officials, such as the person at the post office. This isolation and rejection can contribute to depression and suicide. If they feel their contact with you is worthwhile and you show compassion this can make all the difference in the world. It can even affect a person's decision as to whether they want to keep living or not.

To understand a person with a psychiatric illness you need to appreciate that often, for them a different logic applies. A very rough analogy is comparing them to someone from a different country, where different customs and culture lead them to think a different way from you.

Daniel Zimmerman from the Association also provided information on myths and stigma, types of mental illness, medication, crisis intervention, support services and working with a person's guardian. The Tenants Union can recommend this training. The NSW Association for Mental Health can be contacted on (02) 9816 5688.

## Department of Fair Trading's Tenancy Services to increase

Source: "Tenancy Times" Spring 1996, Department of Fair Trading

The Department of Fair Trading operates a tenancy service that provides information to landlords, agents and tenants. The Department's Director-General, Dr Elizabeth Coombs, has announced that this service will increase its numbers of staff, because there has been about a 6% per year increase in the number of private renters in NSW.

Also, 30 Fair Trading Centres will be established throughout NSW by the Department. These will be in place of the Department's existing Consumer Service Centres and Home Building Advisory Centres. It is speculated that these centres will provide tenancy information some time in the future.

## Two new Aboriginal workers

The Tenants Advice and Advocacy Program (TAAP) has been funded for nearly 2-1/2 years of its first 3-year period. It includes four Aboriginal Services with one worker each. Two of those services have still not been established, although talks are being held with two Aboriginal organisations and there should be an announcement soon.

Meanwhile, the two Aboriginal Tenant Services that are running have had to pick up the casework of Aboriginal tenants throughout NSW. With the extreme distances involved, this was putting them under a lot of pressure. To help them with this, the Minister for Fair Trading, Faye Lo Po, granted Gunya (the Aboriginal Service based in Dubbo) and Southern NSW Aboriginal TAAP with an extra worker each, up to the end of the program's first three-year period in June 1997. Mary Parsons has started work at the Southern NSW Service in Batemans Bay, and Warren Wilson has just been employed by Gunya.

## Share housing survival guide

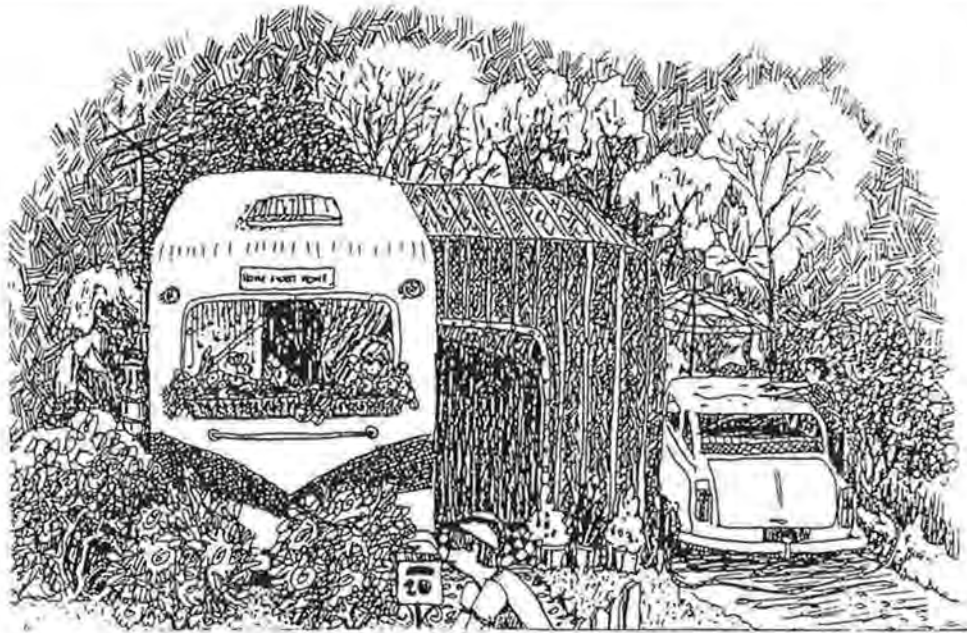
"The Share Housing Survival Guide" has been produced by Redfern Legal Centre and Sydney University Students' Representative Council. It's a free booklet and contains plenty of useful information about renting and sharing a house with other people. Issues explored include: Looking for a place; moving in and money stuff; the legal situation (if you're a tenant or not); living in a shared house; and moving out (or being kicked out).

It was produced with funds from the Department of Fair Trading. You can get your free copy from Redfern Legal Centre (9698-7277), Sydney University SRC (9660-5222) or the Tenants Union (9247-3813).

## Arrivals and departures

The Tenants Union has some new workers and Board members. Fran Crittle has started as the new Co-ordinator of the TAAP Program and the Tenants Union. She replaces Toni Brown, who was in the previous position of Program Development Officer. Incoming Board members are Louise Buchanan, Kylie Kilgour and Nick Warren, all of whom have been tenant advisers with various organisations. Leaving us are Sandra Kofler (an ex-Chairperson), Sarah Crawford (also ex-Chair) and Beth Jewell, all of whom have made a major contribution over many years and have our gratitude.

Merlyn Vastrad, our Access Officer, has left for part-time work, and her replacement, Sylvia Skelton, is also leaving - nothing personal, she was offered a job that paid better and we wish her the best.



## Caravan service news

Article by Julie Wrigley

The Park Occupants and Information Service (POIS) is the caravan specialist service funded under the Tenants Advice and Advocacy Program (TAAP) by the Department of Fair Trading. This is a statewide service. POIS is funded to provide community education on the rights and responsibilities of caravan park residents under the Residential Tenancies Act and associated legislation.

Our community education is directed towards caravan park residents as clients and Tenants Advice and Advocacy Service (TAAS) workers. Another of POIS's functions is to provide back-up for TAAS's who have a caravan park case. POIS will only do casework where a significant number of residents are involved or it is a significant legal issue.

There are two community educator/social policy workers, Lee-Anne Wittich and Julie Wrigley. The office is at Toukley on the Central Coast as the highest concentration of long term sites in caravan parks and manufactured home estates are in the Gosford and Wyong local government areas.

POIS has been in operation for almost 6 months and the staff have been studying hard to learn the relevant legislation and establishing the service. It is hoped that early next year we will be carrying out some caravan park legislation training, especially for regional TAAS's.

POIS will also be carrying out a Database and Consultation Project early in 1997. The project will establish a database of relevant people and organisations, and then POIS staff will be going to regional areas in order to establish links with residents, community groups and workers. These links will assist POIS in establishing a consultation process. POIS is looking at having a consultation process to:

1. Actively seek views from residents and resident groups, community workers and TAAS's to ensure decisions made by government departments on policy and legislation are well informed;
2. Involving the residents in community education and discussion as well as information giving and receiving;
3. Understanding that well-informed decisions rely on broadbased advice and views.

The POIS office will be closed from 23/12/96 to 6/1/97. POIS Management Committee and staff would like to wish everyone a Merry Christmas and Happy New Year.

## Tenants Union hits 20 and makes history

*See photo, back cover*

The Tenants Union of NSW had its 20th anniversary 'do' on 17 August at the Teachers Club. It was a reunion of past and present members, workers and activists. Fabian Loschiavol, as a Monseigneur associated with the Sisters of Perpetual Indulgence, bestowed blessings on the organisation and gave forgiveness to all landlords present.

Some founding members were there, including Viv Abraham, our first Chairperson and a solicitor who took up housing and Aboriginal issues for decades. Also, Charlie Begg, a "leftie" from Manly who fought for protected tenants since the '40's.

Robert Mowbray, the first Secretary (and now with Western Sydney Tenants Service), has fought for tenants rights since 1974 and was awarded the organisation's first life membership. His 'gong' was handed to him by Mary Perkins, one of the TU's first workers and now with Redfern Legal Centre.

A brief written history of the Tenants Union of NSW is almost complete. Its called "Unfinished Business", referring to the need for further tenancy law reform. You can get a copy of the history by contacting the TU office on (02) 9247-3813. The speeches were given, the drinks and food consumed, pool played and dances danced, and the die-hards kicked on at the Taxi Club for longer than was probably advisable.

## Robert recalls

When Robert Mowbray was given the Tenants Union's first life membership at our 20th anniversary, he remembered a few incidents from the early days.

"Lock-outs were legal in the mid-1970's. A Redfern tenant was visited by a rather large gentleman, who stated that he would return shortly and remove the tenants. He left his calling card. It read, "Big Jim" ..... we move anything!"

"And, there was the time I served a "Notice to Quit" on a tenant; I did it with great relish. You see,

the tenant was a real estate agent! My tenant had received a notice of a rent increase from \$35 to \$45 per week ..... a hefty rent in the 1970's. He knew that his landlord was a Greek family who ran his corner shop. So he confronted his landlord. His landlord was taken back ..... the landlord had asked for a rent increase, but from \$22 to \$25 per week. He told us his story ..... shortly after he had acquired the property, he visited his solicitor for help in finding a tenant. The solicitor suggested he place it in the hands of a real estate agent. Unfortunately, he walked into the offices of a rather dubious real estate agent. The agent signed a residential lease, with himself as the tenant. He then sub-let it to my tenant. For the only time in my life, I acted for a landlord and served a "Notice to Quit" on the real estate agent. The outcome ..... we doxed the agent into the then Council for Auctioneers and Agents ..... bet they did nothing! And negotiated a new rent at \$30 per week ..... with both landlord and tenant as winners!

"Then, there was the home visit I made to a house in Redfern ..... opposite Redfern Legal Centre. I kept a very straight face throughout the interview ..... she was completely nude. A number of years later she became my next door neighbour in Gladesville.

"Pam and I received a "Notice to Quit" at a house we'd been renting in Annandale for six years. However, our real estate agent was a rarity. He took a particular pride in looking after his tenants. The whole row of terraces had been sold to an entrepreneur of some fame during the 1970's. Our real estate agent, who knew that I was Secretary of the Tenants' Union, said, "I have been given no instructions not to accept rent ..... I have been given no instructions not to accept rent". Suddenly it dawned on me what he meant. Along with two neighbours we promptly paid three months' rent in advance. Shortly afterwards the new owners served us with a "Notice to Quit". We immediately responded with a letter threatening a Supreme Court injunction if they tried to act on it. This letter had been drafted by a young barrister named Greg James, now a successful QC.

"It was sighted by a solicitor who worked in the office of the new owner's solicitor. He happened to be a member of the Tenants' Union. He said to his boss, "Don't meddle with them. They know exactly what they're doing". Pam and I received a new "Notice to Quit" to be out when rent fell due again ..... a number of months down the track!"

## Tenants have it all together in Denmark

Source: Michael Rugaard, Copenhagen Branch of the Danish Tenants Union, in *Global Tenant*, Publication of the International Union of Tenants

This article shows how far Australia has to go compared to some other countries.

Private rental housing in Denmark is made up of apartment buildings with flats to let, and a very small number of individual houses. The laws on tenancy reduce the owners' command or disposal of these estates.

Tenants in this sector have individual as well as collective influence on the management of the estate in which they live, even though they have no share of the ownership. The collective rights are far more developed than the individual ones. A few basics of tenancy law in Denmark are:

- 1) As a rule, tenants in estates with more than two flats have security of tenure. In the case of major restoration of the property, the landlord is responsible for temporary or permanent relocation of the tenant. Many temporary leases can be overturned and turned into permanent leases by court or by an administrative body, the rent control board, on the tenant's request.
- 2) In most municipalities rent is regulated and can be assessed by the local rent control board, upon request by the tenant or the landlord. Tenants and landlords have one seat each in the rent control board, which also comprises a judge. It is for the municipality to decide whether the laws of rent regulation should be effective within the township or not. It is effective in almost all of the larger municipalities.
- 3) The rent is based on actual, documented costs of running the estate, not including the capital costs of purchasing the estate.

Among the right wing parties in the Danish Parliament, there is a strong wish to abandon rent control completely and let the market determine the rents. Most parties agree that this would cause rents to increase dramatically. The present government, led

by the Social Democrats, recognises the social importance of housing and rents that can be paid by ordinary people with ordinary incomes. Most parties agree, however, that some law on rent increases must exist if the security of tenure is to have any meaning at all.

## Istanbul declaration on human settlements

In June this year, Istanbul hosted a United Nations Conference on human settlements. Australia had several Government and non-Government representatives there. Now, whatever else was achieved there, they passed some real beaut motions. This one, for example:

**"We, the Heads of State or Government and the official delegations of countries assembled at the United Nations Conference on Human Settlements (Habitat II) in Istanbul, Turkey from 3 to 14 June 1996, take this opportunity to endorse the universal goals of ensuring adequate shelter for all and making human settlements safer, healthier and more livable, equitable, sustainable and productive. Our deliberations on the two major themes of the Conference - adequate shelter for all and sustainable human settlements development in an urbanising world - have been inspired by the Charter of the United Nations and are aimed at reaffirming existing and foregoing new partnerships for action at the international, national and local levels to improve our living environment. We commit ourselves to the objectives, principles and recommendations contained in the Habitat Agenda and pledge our mutual support for its implementation."**

A cynical observer might remark that if that doesn't solve the world's housing problems, nothing will.

# Yes I want to join the Tenants Union of NSW

Name \_\_\_\_\_  
Address \_\_\_\_\_  
P/code \_\_\_\_\_  
Telephone [h] \_\_\_\_\_  
Telephone [w] \_\_\_\_\_  
First language \_\_\_\_\_

**Please tick**

- New membership       Renewal  
Are you a:  Tenant       Home owner  
 Other [specify] \_\_\_\_\_

## OFFICE USE ONLY

|             |               |
|-------------|---------------|
| Service Fee | Shares        |
| Donation    | Membership No |

## FEES

Membership runs from 1 January to 31 December.  
New membership fee includes cost of share[s].

## YEARLY FEE

**Tick the fee that applies**

- No [or low] wage/pension/benefits      \$8  
 Waged worker      \$15  
 Organisations      \$30  
 Donation      \$.....

**I enclose**

\$.....

**Signature**

**Date**

Return to: Tenants Union,  
68 Bettington Street, Millers Point, 2000



At the Tenants' Union 20th anniversary celebrations August 17, 1996. (L-R) Charlie Begg (founding TU member), Robert Mowbray (first TU Secretary), Margaret Barry (founding member of Shelter NSW), Viv Abraham (first TU Chairperson).

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