



tenant news

TENANTS UNION OF NSW

68 Bettington St.

Kings Point 2000

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Tel. (02) 27-3313

N.S.W.

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OUR ANNUAL GENERAL MEETING FOR 1979 IS COMING UP !!

The Annual General Meeting of the Tenants' Union of New South Wales will be held at 7.30p.m. on Tuesday, 20th March, 1979 at St. Lukes Community Centre, 118 Regent Street, Redfern (the grey church building next to the B.P. service station).

It is important that as many members and their friends as possible attend the Annual General Meeting so that the Tenants' Union can launch into the New Year mounting an effective campaign on behalf of tenants.

Please mark this meeting down in your diary and make every effort to be there. A notice of the meeting will be sent out within the next month.

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STATE GOVERNMENT TO SET UP HOUSING POLICY UNIT

The Minister for Consumer Affairs, Housing and Co-operative Societies, Mr. Sydney Einfeld, wrote to N.S.W. Shelter on 14th December, as follows:

"I will shortly be establishing a Directorate which will oversight housing policy in this State. The Government is of the view that this will achieve the implementation of well structured initiatives which will fill the void that currently exists."

SHELTER CALLS MEETING OF ALL TENANTS' GROUPS

In the latter part of 1978 the Tenants' Union of N.S.W. approached N.S.W. Shelter asking if it would convene a meeting of all tenants' groups in N.S.W.

At the present time there are a number of tenants' groups in this State. Generally they represent tenants of one type of landlord. They include the Tenants' Union of N.S.W. (private tenants), the Housing Commission Tenants' Association, Council Tenants' Union (City Council tenants), Residents' Advisory Committees on the Glebe Estate, residents in Church of England glebes and "Housing for Aborigines" tenants' groups. It would be good if these groups could get together.

A meeting of representatives from all of these groups could explore the possibility of forming a coalition of tenants' groups to speak with one voice in pushing for a better deal through new legislation, access to advice and legal backup, negotiations with landlords over terms of leases, rent increases, etc.

Mr. Einfeld, Minister for Consumer Affairs, Housing and Co-operative Societies, is presently setting up an Advisory Committee to report to the Government on changes required in N.S.W. Landlord/Tenant Legislation. The Tenants' Union is represented on this Committee. It is important that views of all tenants are heard on this Committee. At the present time Glebe Estate and Housing Commission tenants are not covered by N.S.W. Landlord/Tenant Legislation. In addition to the many problems faced by private tenants, Council tenants face large rent increases and black tenants under the "Housing for Aborigines" programme are denied any say by the Housing Commission in their own housing.

This meeting provides an opportunity for the various tenants' groups to discuss common issues and the possibility of the formation of a coalition so that we can support one another in our struggles. A strong tenants' coalition could demand that all negotiations over leases, rent increases etc. are done through it, thus putting tenants in a stronger bargaining position.

It is proposed that this meeting of tenants' groups be held between 10a.m. and 4p.m. on Sunday, 18th February, 1979 in the rooms of N.S.W. Shelter, on the third floor, 106 Goulburn Street, Sydney. (This building is called "Hexham House" and located on the corner of Goulburn and Nithsdale Streets. Entrance to the building is around the corner in Nithsdale Street.)

If anyone wishes to discuss this matter, please don't hesitate to ring either Greg Thompson at 235 7524 or Robert Mowbray at 699 4741.

NASTY CASES

Two cases recently handled by the Tenants' Advice Service at Redfern highlight the fact that some landlords and real estate agents are prepared to go outside the law in order to intimidate or rip off tenants.

In one case a tenant who was behind in rent received a letter from the agent saying, "If you fail to pay by 12a.m. Wednesday I advise you to pack all your belongings and move out. It is going to get rough for you." In fact it did get rough for the tenant as when he returned home a couple of days later there was a notice pinned to the door stating, "The owner has changed your locks".

In the second case the tenant made a claim to the Rental Bond Board only to find that the owner had also made a claim bearing the tenant's signature. Investigation showed that the real estate agent initially handling the drawing up of the lease had apparently slipped in a blank claim form at that time and got the tenant to sign it.

CLYNE BEING PROSECUTED

You will recall from a previous issue of "Tenant News" that disbarred lawyer, Peter Clyne, was advertising his "Peter Clyne Eviction Service". The State Government took Peter Clyne to Court on Thursday, 21st December over this matter and the case is still continuing.

Report suggests law reforms to benefit landlords, tenants

By JULIANNE SCHULTZ

LAWS regulating residential tenancy arrangements can be altered to be of greater advantage to both landlords and tenants, according to a report released in Victoria.

The report was the result of two years work by a community committee investigating the Landlord and Tenant Act, under the indirect patronage of the State Government.

The committee, comprising representatives of landlords, tenants, low income groups, women's groups, lawyers, planners and economists found that the current laws disadvantaged not only tenants but also landlords, and formulated by consensus 162 recommendations to improve the situation.

A further eight recommendations were formulated and adopted after a vote was taken, with the reasons for opposition included in the report.

Community and interest group involvement in the formulation of law reform proposals is at odds with the usual practice in Australia.

However the Victorian Attorney-General gave the community committee an assurance that if, after a questionnaire was circulated, the community favoured the committee's recommendations, the new Landlord and Tenant Act would be altered accordingly.

A new Landlord and Tenant Act is expected to be introduced in this sitting of the Victorian Parliament.

The committee was established after the Premier, Mr Hamer, made an election promise in 1976 that Victoria would reform its Landlord and Tenant Act to become a "pacesetter for Australia."

The committee now believes that with an election due in Victoria the State Government is not in a position to do anything but adhere to its earlier and oft-repeated promise.

The 16-member committee has met regularly, including, on a number of occasions, with the Minister for Housing, Law and Consumer Affairs and the Public Service committee revising the Act.

This has culminated in the production of a report which deals with the social and economic needs and ramifications of reform and a draft Residential Tenancies Act.

This report is known to have been very favourably received by the Attorney-General, Mr Haddon Storey.

"This is a truly remarkable achievement, given a committee of 16 members with such diverse interests. It reflects above all the overriding agreement by all the members on the need for reform and the importance of making a success of this community process, which has been supported and given a special status by the Government." Mr H. Raysmith, the committee chairman, said.

Mr Storey said that the proposed legislation would cover the whole area of the residential tenancy question, including security deposits or bonds, repairs to rented premises and eviction procedures, and would also set up readily accessible machinery for resolving disputes between landlords and tenants.

The recommendations of the committee, which comprised groups traditionally opposed to each other, include:

- An insurance scheme to replace bonds and security deposits.
- Security of tenure and a standard lease.
- Residential
- A Residential Tenancies Act which would lay down a basic charter of landlords and tenants rights and responsibilities.
- A Residential Tenancies Commission to be set up to provide a cheap and simple tribunal with exclusive legal jurisdiction in disputes between landlords and tenants.
- A commission would have investigative, administrative, advice and publicity sections.
- Two weeks rent would be the most a tenant would have to pay in advance.
- 120 days written notice would be required before any rent at least 28 days in have to contest the increase before the tribunal within that time if they did not accept it.
- Landlords would only be allowed to increase rent once a year regardless of changes of tenant. No increase would be permitted during a fixed term tenancy.
- For a landlord to evict a tenant, a "just cause" would first have to be given, such as rent at least 28 days in arrears, damage to property or illegal use of premises.
- The establishment of a rental housing code to provide detailed standards for conditions and facilities in rented housing to be enforced by local government officers.
- Discrimination in advertising or letting rented premises should be illegal.

Changes for Vic

● That the Housing Commission also be bound by the new Act.

● The existing system of rent controls would be phased out and be replaced with a new scheme allowing rents to be regulated in all sub-standard housing and in cases of excessive rent.

The committee went to some lengths to stress that the reforms it has suggested are regulatory rather than structural.

One of the most interesting recommendations in the report is that the bond or security deposit scheme be replaced with an insurance premium.

Such bonds have been criticised by landlords, tenants and agents for many years. The insurance scheme idea was the brainchild of the Real Estate and Stock Institute representative on the committee, Mr T. Boothroyd.

"The current system of a \$200 security bond, apart from presenting considerable financial hardship for low income groups, is unrealistic in terms of the \$30,000 asset which it is meant to cover. Even the cheapest stove could not be replaced for less than \$280," he said.

Under the insurance scheme a tenant would pay a premium about \$10 and the scheme would be administered by the State Government Insurance Office.

Currently about 86 per cent of bonds are returned in full, with more than \$40 million being held in bonds in Victoria alone.

About one-third of homes in Australia are rented, a trend which is likely to accelerate as new home building tapers off. Because of this, the committee said, there was a real need for the development of a housing policy at a State and Federal level.

The implications of tenancy law on the private rental market were summarised in the report as being that the law should recognise and encourage the role of the private market where the private market can supply rental housing of an acceptable social standard and does not conflict with the rights of individuals.



RECOMMENDATIONS OF THE VICTORIAN COMMUNITY COMMITTEE ON TENANCY LAW REFORM

Reference is made in the above article to the report of the Community Committee on Tenancy Law Reform, 1978 in Victoria. A summary of the recommendations of the Committee is being distributed with this Newsletter.

DID YOU KNOW:

that the Landlord and Tenant Act, 1899 and its subsequent amendments do not bind the Housing Commission of New South Wales? (This was decided in a High Court hearing, see Commonwealth of Australia v. Rhind 40 A.L.J.R. 407.)

By JULIANNE SCHULTZ

FAR-REACHING legislation to update Victoria's tenancy laws was tabled in State Parliament yesterday by the Attorney-General, Mr Haddon Storey.

Mr Storey labelled the existing legislation archaic.

Tabling the legislation, which will lie until the next session of Parliament, he said that it was the most comprehensive and advanced treatment of residential tenancies so far seen in Australia.

The legislation, drawn up after exhaustive community interest group and governmental consultation, will significantly redress the balance in favour of the tenant, a much-needed reform, according to Mr Storey.

With more than 700,000 people in Victoria occupying rented accommodation, he said, it was imperative that residential tenancies be governed by fair and effective laws.

"The existing law, however, is archaic," he said, "in some instances unjust, and is not relevant to the nature of modern-day residential tenancy agreements.

"It does not provide fair procedures and rights for either landlords or tenants."

The proposed legislation involves the establishment of a Residential Tenancies Bureau and tribunals covering security deposits, rent, repairs and maintenance, use and conditions of premises and procedures for termination of tenancies.

This follows quite closely the recommendations of the Community Committee on Tenancy Law Reform, established nearly two years

Victoria moves to limit landlords' rights

Fin. Review 7/12/78
pp 1, 30



ago, which included representatives of tenants, real estate agents, lawyers, economists, planners and other specialists, and which produced a far-reaching report by consensus.

Mr Storey, acknowledging his positive reaction to the committee's work, said that this approach to law reform would be adopted in future.

Mr Mike Salvaris, secretary of the Community Committee, welcomed the legislation but said that there were a number of areas in which it hoped the government would alter it.

Mr Storey said that the Government had agreed to pay heed to the results of a questionnaire survey being run by the committee to drawing up the final legislation.

The questionnaire will revolve around alternate options of the Community Committee's recommendation and the Government's proposed legislation.

Although the Govern-

ment plans to introduce the legislation finally in the next sitting of Parliament this may not be until after the State election, as it is now thought likely that Parliament will not resume again until after the election.

The major difference between the two proposals is the rejection by the Government of a standard fair lease for all residential tenancy agreements.

In terms of the real estate and property industries a number of significant changes are proposed.

Mr Storey said that he did not believe that legislation would have an adverse affect on the private rental market, despite fears to the contrary expressed by some real estate agents and landlords.

"We accept the existence of the private rental market and are endeavouring to reinforce it," he said. "What we are seeking to do is to redress the lack of relevant laws we have had for so long."

PROTECTED TENANTS...

If you live in property under rent control, the Fair Rents Court in November, 1978 allowed the landlord the following amounts in any application for an increase in rent:

- * Repairs \$200
- * Bank Interest 6.1% of 1939 Improved Capital Value of Property
- * Depreciation \$128.

Excluding any increases in rates, the above amounts justify an increase in rent of around \$3 per week over the last two years.

The new laws will also apply to Housing Commission tenants, representing a major victory for Mr Storey and the Community Committee, as the commission was adamant that it should receive special treatment.

The only exempt residential tenancy agreements are those in which housing is part of an employment agreement.

Referring to the Housing Commission Mr Storey said, "The Minister for Housing doesn't believe that the commission should be treated any differently from anyone else."

The legislation provides for security deposits or bonds to be paid into trust accounts at approved institutions offering an acceptable interest rate.

Interest gathered from these funds will then be channelled into the running of the bureau, education and information services and provision of bonds in hardship cases depending on the level of funds.

The NSW situation of a central fund was rejected be-

cause of the high staff levels required to administer such a scheme.

Tenants will have the option to decide whether to pay a bond or take out insurance. Studies to assess the viability of this are under way by academics and the RESI.

Mr Storey hinted that the Government was also considering other funding options, including the payment of rent in advance into interest bearing trust accounts.

This money now is paid into non-interest bearing trust accounts and used by agents to build up credit with banks.

Mr Salvaris said that such a procedure would be a more equitable arrangement, as the money collected belonged in fact to the tenant and the landlord rather than to the real estate agent.

Other proposals include:

- Rent may be increased only once a year and on 60 days' notice.
- A tenant may appeal to the tribunal if rent is regarded as being excessive, and the tribunal is empowered to set rent at market value.
- Every landlord must give a tenant a simple statement of the rights and duties of both parties.

● Discrimination against letting premises to people with children is outlawed.

● The tenant must give 14 days' notice of vacation.

● The landlord may give immediate notice to vacate where the safety of neighbours is endangered or where there is malicious damage to premises.

● The landlord may give 14 days' notice to vacate where breaches have been committed by the tenants, such as rent demanded is unpaid for 14 days, breach of duty to take reasonable care.

● Sixty days' notice to vacate is permitted in circumstances such as where premises are required for compulsory acquisition, for substantial repair or for occupation by landlord or purchaser.

● Six months' notice is required in all other cases. No reason need be given.

● Tribunals have exclusive jurisdiction so far as magistrates' courts are concerned and concurrent jurisdiction with both County and Supreme Courts.

But if the action is taken in either of these courts on a matter that could have been dealt with by a tribunal no costs can be awarded.

RESI, tenants welcome Victoria legislation

*Financial
Review,
December 8th,
1978.*

THE Victorian Real Estate and Stock Institute yesterday welcomed the residential tenancy legislation introduced into Victorian Parliament on Wednesday.

The RESI claimed the legislation would sort out some of the existing anomalies in the law and made a call for tightening some of the machinery aspects proposed in the bill.

"The Government has made a good attempt to make the laws more fair and equitable," the president of the RESI, Mr D. Simpson, said yesterday.

"The real hope is that the legislation will make people more confident about the landlord and tenant relationship and the property market in general," he said.

The Tenants' Union of Victoria also welcomed the legislation.

"We regard it as a major step forward. On the whole it is a very good example of law which compares favourably with the South Australian legislation," the union co-ordinator, Mr M. Salvaris, said.

The RESI's major area of concern about the legislation was the proposal relating to security deposits and bonds.

Mr Simpson said that he regarded bonds as the only practical disincentive against an irresponsible tenant.

He said that he thought the tenant's insurance option could lead to destruction of property by tenants.

Under the legislation a tenant will have the option of taking out insurance rather than paying a security deposit, although this depends on assessments of the viability of such a scheme and insurance companies' willingness or otherwise to offer such premiums.

According to the Tenants Union a feasibility study by the Australian Housing Research Council has shown that an insurance scheme is workable.

However, the Tenants Union did condemn the Residential Tenancies Bill for retaining the present bond system. The union presented petitions to the Minister for Youth, Sport and Recreation and Member for St Kilda, Mr Brian Dixon calling for the abolition of the present bond system.

Mr Dixon's seat only requires a 5 per cent swing to be won by the Labor Party and 70 per cent of the constituents are tenants.

Mr Simpson said that the proposal to return bonds within seven days of terminating occupation of the premises

could prove unworkable, especially over the Christmas New Year period.

The RFSI welcomed the abolition of rent controls, which it claimed should never have been allowed to continue after the Second World War when the system was introduced.

The major objections of the Tenants' Union apart from the bond question are that under the existing legislation tenants can be evicted without providing a reason if six months' notice is given, and that a standard lease is not provided for all residential tenancies.

However, as the Attorney-General, Mr Storey, only tabled the legislation allowing three months for objections before the final legislation is introduced, the options of both the RESI and tenants will be taken into account before the final drafting.

In addition the legislation provides for a comprehensive review after it has been operating for three years.

The legislation will be operated through the Ministry for Consumer Affairs, recognising the consumer nature of the transaction between landlords and tenants.

LANDLORD/TENANT SEMINAR

The New South Wales Government held a Seminar on Landlord and Tenant in February of last year. Unfortunately there was a long delay in the editing and printing of a transcript of this Seminar. However, this is now available. If you wish to obtain a copy you should write to:

Government Sales and Information Centre,
55 Market Street,
SYDNEY. 2000.

and include \$5.00.

LANDLORD AND TENANT ACT REFORM COMMITTEE

in N.S.W.

Following the Public Seminar on Landlord and Tenant conducted in February, 1978, the Minister for Consumer Affairs, Housing and Co-operative Societies, Mr. Einfeld, has established a Landlord and Tenant Act Reform Committee. Its role is to examine present legislation in its various forms and eventually prepare recommendations for the Government. The Tenants' Union has been invited to be a member of this Committee.

The Tenants' Union welcomes the establishment of this Committee. It agrees with the views expressed in Shelter's letter reproduced below which argues that the Committee should be as open as possible, have a proper budget and have adequate staffing to fulfil its function.

N.S.W. SHELTER WRITES TO THE MINISTER FOR CONSUMER AFFAIRS,
HOUSING AND CO-OPERATIVE SOCIETIES ABOUT THE ADVISORY COMMITTEE

The Housing Information and Referral Service in late December wrote to the Minister for Consumer Affairs, Housing and Co-operative Societies concerning the establishment of an Advisory Committee to make recommendations on reforming the Landlord/Tenant Law. Extracts from this letter follow:

"It has come to our attention that you have decided to establish an Advisory Committee to make recommendations on reforming Landlord/Tenant legislation. We welcome this as a timely initiative by the State Government.

As yet, however, you have not publicly announced the establishment of the committee nor its terms of reference. Hence, we feel that this is an appropriate time to raise with you a number of issues related to the establishment and operation of the committee. We hope that these ideas will be of value to you in making your final decisions.

No doubt you are aware of the background of the Victorian Community Committee on Tenancy Law Reform. The Committee represented a wide range of community organisations interested in tenancy issues, including Women's Refuges, Tenants' Unions, Youth Council, Council for the Single Mother and Child, Australian Union of Students and the Action Resource Centre, as well as a number of elected representatives from a public meeting.

This was in addition to traditional interest groups, such as the Real Estate Institute, the Law Institute, University of Melbourne, the Royal Planning Institute, the Salvation Army and the Council of Social Service.

The aim of having such a broad representation was to enable the committee to work through the conflicts between landlord and tenant interests, so that the recommendations to the Minister would be supported by the members of the committee who are from traditionally antagonistic interests. With representatives from a wide range of groups, there is more likelihood of the community accepting significant changes in an area which previously has been very divisive.

For the Advisory Committee to be able to thoroughly examine the variety of issues which must be considered in recommending changes to the legislation, we see much value in the idea of organising a number of consultations and workshops on the various issues involved in tenancy reform, and even publishing working papers on these issues, so that more people begin to understand the complexity of the issues, and can forward their own opinions and responses to them.

The Housing Information and Referral Service would be happy to organise such workshops, as long as the views expressed at such meetings were guaranteed access to the Advisory Committee.

The organisation of such seminars and the investigation of the many issues related to tenancy reform raises the need for adequate back-up and research staff, which will be necessary if this process is to achieve the necessary commitment by the different interest groups to the changes agreed upon.

Finally, we would like to welcome your commitment to undertake a total review of the legislation, rather than introducing further amendments to cover specific problem areas. However, this review must also include consideration of related issues, including:

- * the effects of such legislation on the supply of rental accommodation, and consideration of the ways in which this supply can be maintained; and
- * the applicability of this legislation to public tenants, including Housing Commission, City Council, Glebe Project and other government tenants.

We feel that these issues are critical in determining the future directions of tenancy issues, particularly as they affect the inner-city, and hope that you will give them full consideration before any final decisions are made."

The Minister replies:

"...No doubt the Committee will be calling for and accepting submissions from all interested groups and individuals and that, as such, it will be the Committee that decides how best it will fulfil its role."

ANOTHER NASTY CASE

The cheek of an agent in Hornsby who asks prospective tenants if they can show him through their present house. He wants to see if it's clean enough and measures up to his own standards before he considers them for one of his houses.

(Of course, the Housing Commission does this as a normal practice!)

VACANT HOUSES IN THE PATH OF EXPRESSWAYS

In September, 1978 the Tenants' Union wrote to the Premier about vacant houses which are owned by the Government and lie in the path of abandoned expressways. The Premier referred the matter to the then Minister for Transport and Highways, Mr. Cox, who stated:

"Cabinet has yet to consider in detail the future use of any Departmental property."

Many of these houses are still vacant and have been so for many years now. One wonders whether they will remain vacant for many years into the future while the special committee continue their investigations

<p>is it a fact ?</p> <p>Is it a fact that the representative of the Flat and Property Owners Association at the Landlord and Tenant Seminar in February 1978 was paid \$250 by the Association to present their talk?</p>

NEW SCHEME IS "A THREAT" TO TENANTS' RIGHTS

According to the N.S.W. Tenants' Union at South Sydney, some landlords and estate agents have found a way around the Rental Bond Act.

However, the Tenants' Union is asking the Rental Bond Board whether the insurance-type alternative is legal.

Mr Robert Mowbray of the Tenants' Union says the scheme is superficially attractive to tenants — especially those on low incomes.

Under the alternative scheme, the tenant does not pay bond.

Instead, the tenant is asked to pay a premium on an insurance policy for the landlord.

The premium is either \$40 or \$75, and it provides cover of up to \$500 to \$1,000 to the landlord in the event of the tenant being in rent arrears, or leaving without payment of rent, or damaging the premises.

"There are some obvious advantages to the tenant on first sight," said Mr Mowbray this week.

"The tenant does not have to raise the initial bond, which is usually in excess of \$200.

"For the 80 percent of tenants who always get their bond money back, this is money lost — they never get it back.

"The advantage could be for low-income tenants — although it will be money lost, it's cheaper to get into the house, which is often a major barrier."

"However, we believe it is certainly not in the interests of tenants to have anything to do with it.

"Tenants are either foolish or they are being conned if they do sign up for it.

"Do the tenants have it explained to them in an honest fashion?"

Mr. Mowbray said one provision of the insurance scheme read:

"The company shall be entitled to take over all remedies available to the insured and to conduct in the name of the insured proceedings of its own benefit."

Mr. Mowbray said the landlord could make a claim, and the insurance company would pay out and then chase the people concerned to get the money back.

He said he had been assured by a representative of the company concerned, Management and Consultant Pty Ltd., that this would never happen.

"So why is it a condition of the policy?" he said.

"It's not good enough for the backers of the scheme to say it would never happen.

"If a lot of claims are made by landlords under this policy, there would be no alternative but to raise the premiums or to chase tenants."

"Are tenants who pay that premium told that they're not going to benefit, and that they might be sued themselves?"

Mr Mowbray said the Tenants' Union's legal adviser had made an initial comment on the contract:

"It appears that the landlord does not charge bond, but requires the tenant to pay an insurance premium on a policy that only insures the landlord.

"It is in effect a term of the policy that the insurance company can sue the tenant in any event.

"What is provided to the landlord is not a cover for

all his damage, but only sufficient to cover what would have been a very large bond before passing the Rental Bond Act."

(Under the Wran Government's Rental Bond Act, the amount of bond that can be charged is regulated. It is also required to be deposited with the Rental Bond Board, rather than being retained by the landlord or real estate agent.)

Mr Mowbray said: "So the combined effect is to get the tenant to provide a down-payment in terms of a premium, and the balance if the tenant does get into trouble."

He said the alternative merely appeared to be a way of seeking to defeat the purposes of the legislation.

Newtown Realtor Bernard Quigley said he sometimes used the insurance scheme if the property owners insisted on it.

The landlord had a right to take out the insurance policy instead of charging a bond, he said.

"It's only going to cost him between \$40 and \$80 and he just jacks the rent up by that amount."

The owners usually paid the premium and raised the rent by about \$2.00 a week, depending on the cost of the insurance.

"Usually the tenants are quite happy because they don't have to fork out \$300, so they are not going to lose \$40 interest" which the money could have earned.

Bond on a furnished house could be as much as \$500.

There had been no complaints but some tenants would rather pay a bond than an insurance premium.

"It's up to a mutual agreement between the tenant and the owner."

Insurance Schemes



The Guardian Pictorial
20/12/78 p 6

However . . .

13

INSURANCE PREMIUMS AND CLEANING FEES ARE BOND

The Rental Bond Board has advised the following:

If the premium is paid by the tenant to an insurance company or insurance broker, either at the direction of the lessor (or his agent) or in accordance with the terms or conditions of the lease, such a sum constitutes a rental bond within the meaning of the Act.

In these circumstances a sum equivalent to the premium must be lodged with the Rental Bond Board.

In regard to your second request for detail concerning cleaning fees, these are rental bonds where the tenant is responsible for cleaning under his lease agreement, and must be lodged with the Board.

Tenants cannot be charged non-refundable cleaning fees if they are responsible for cleaning under their lease agreement. The Board takes the legal view that all cleaning fees are refundable irrespective of their description on the receipt or any agreement between the landlord and tenant.

TENANTS' HOTLINE FOR NEW SOUTH WALES

The Tenants' Union is presently making submissions to a number of bodies for funds to establish a "Tenants' Hotline". What this means is that any tenant in New South Wales with a tenancy problem can ring one telephone number for advice. This telephone number would be advertised as widely as possible.

There are a number of Tenants' Advice Services scattered across the Sydney area which operate in different places at different times. The "Tenants' Hotline" would rely on these existing Tenants' Advice Services to handle the enquiries. By acquiring an automatic call-diversion unit we would be able to divert all incoming calls on the "Tenants' Hotline" to the Tenants' Advice Service operating at that time. This would allow us to maximise the use of volunteers at the local level and allow us to achieve a service whereby tenants can ring one telephone number any time between fixed hours Monday to Saturday and receive tenancy advice.

COURT MOVE ON LANDLORDS -
Prosecutions pending over
rental bonds

by Garry Maddox,
Property Reporter

SMH 23/12/78
p2

SOME NSW landlords have been stretching their imaginations to come up with schemes to avoid paying bond money to the State Government's Rental Bond Board. One even demanded an ounce of gold, worth about \$173, instead of a bond.

SMH 23/12/78 p1

The State Government is preparing to prosecute about 200 landlords for breaches of Rental Bond Board legislation.

Most have allegedly failed to lodge bond money with the board despite a warning. They face a maximum fine of \$500.

And yesterday, the manager of the board, Mr Ray Ball, predicted harsher penalties for people convicted of failing to lodge bond money.

Until recently the board had been warning offenders.

Only one prosecution had been completed — against a landlord fined \$100 on each of two counts of failing to lodge bond money as required by the Landlord and Tenant Rental Bond Act.

Mr Ball said the board would continue to warn landlords before starting prosecutions, but penalties were expected to become stiffer.

"We have given everyone ample time to become familiar with the legislation and the board's procedures so they can become more confident of their rights under the legislation."

Landlords were the focus of most of the board's investigations, Mr Ball said.

"We don't have much evidence of licensed real estate agents withholding bond money, although we believe it is much more common among landlords."

A number of illegal schemes to avoid bonds had been discovered. The most common was landlords demanded that instead of a bond, the tenant take out an insurance policy against damage to the property.

As the premium acts as a surety deposit, the landlord is required to lodge an equal amount with the board if the tenant is paying the premiums.

Other landlords demanded an interest-free loan, cleaning

fee or "continuous" rent in advance from the tenant.

By demanding rent continually in advance, the landlord was not only breaching the Act, but was open to threat of prosecution from the tenant at the end of the tenancy if the money was not returned in full.

Mr Ball said: "Where rent is paid in advance, the landlord cannot require more rent to be paid until the end, or immediately before the end, of the period covered."

Although tenants became a party to the offence by agreeing to the schemes, Mr Ball said they were unlikely to be prosecuted because of the number of leases signed under pressure from landlords.

The board, established in November last year to collect all residential bond money, has collected about 190,000 bonds for a total of about \$28 million.

The board invests bond money with permanent building societies to provide new housing loans.

Interest is placed with terminating building societies for low-interest loans to low-income earners and to finance housing projects.

The Tenants' Union of NSW welcomed the news of the prosecutions and said that many agents, particularly in the inner City, were failing to forward bond money.

A spokesman for the union, Mr Robert Mowbray, said he knew of "quite a number" of agents on the North Shore who had asked tenants to pay household insurance premiums.

When a woman's family came to stay with her at Newtown, her landlord threw her out or the street.

Her three little grandchildren were also tossed out.

He is also alleged to have threatened to throw her two daughters from the balcony and to have made obscene remarks.

The woman was locked out of her home and her belongings stacked in the front doorway.

This was despite the fact that her rent payments were a week in advance.

Initially the landlord promised to return \$30, but is now refusing to give any back.

South Sydney Community Aid Co-ordinator, Mr Robert Mowbray said the landlord had "taken the law into his own hands."

Not only had he broken the law in locking the woman out, but he had also failed to lodge her bond with the Rental Bond Board.

The Department of Consumer Affairs has been called in, and the woman is also considering legal action against the landlord.

The crisis began early last week when the woman's two daughters and three grandchildren aged four, five and six came to Sydney to stay with her.

This was only to have been till they found alternative accommodation.

In fact, at the time of the lockout, the family was down at the Community Aid Centre seeking assistance in finding accommodation.

However, the landlord insisted the family had to leave.

The family had been in the house for only two days.

The woman said this week she had been living in the premises for the past six months.

Until the present crisis, relations with the landlord had been all right.

She had not seen him in more than a month.

However, as soon as her daughters came he was on the doorstep demanding they leave.

"The landlord objected to kids," said Mr. Mowbray.

"He said there were too many people living there.

"He objected to having the girls and their children stay with the mother, and he showed his objection by being quite nasty to them."

"In fact, they were looking for accommodation, and we were helping them."

Mr Mowbray said his agency had called the property division of the Department of Consumer Affairs, who had the power to prosecute in such a situation.

An inspector from the department had come out and had spoken to the caretaker and the landlord.

He was hoping to work out a compromise which

would have allowed the woman to return to her home.

However, the family would not have returned.

Initially the landlord agreed to this, but then changed his mind and refused to allow anybody back into the house.

The family spent Thursday night at a city hostel, and most of Friday looking for accommodation.

When the Department of Consumer Affairs was called in, the landlord allegedly told the woman she would now get none of her rent back.

The woman said this week she was incapacitated and could hardly walk, following an accident in 1976.

The Guardian Pictorial
17/1/79 p 3

WHAT TO DO IN THE CASE OF A LOCK-OUT

You will remember that the Landlord and Tenant (Amendment) Act 1978 became law on 7th March, 1978. This amendment bans lock-outs in New South Wales. In future, landlords who wish to evict tenants must obtain a court order first. However, some landlords are still continuing to lock out tenants.

Did you know that the Property Division of the N.S.W. Department of Consumer Affairs at 1 Oxford Street, Darlinghurst, telephone 238 8111 can immediately act against landlords who lock out tenants? If you hear of a person who has been locked out of their house or flat, tell them to contact Consumer Affairs immediately.

An inspector will be sent out who will advise the landlord that he or she is in breach of the law and ask that the tenant be reinstated. Most landlords will do this in order to avoid prosecution. If the landlord will not reinstate the tenant, then the Department of Consumer Affairs can prosecute. The landlord faces a hefty fine. However, it will take time and it may be difficult for the tenant to get back into the house or flat.

Rent insurance will cover illness, accident

An insurance scheme to cover loss and disadvantage if tenants become ill or have an accident is being introduced in Victoria by Swann Insurance Ltd.

The policy, which will add about a dollar a week to rent payments, will also provide for rent payments if the policyholder becomes unemployed.

The new type of insurance cover, which was given an enthusiastic response in a pilot study in NSW, is designed to "meet the problems encountered by thousands of innocent people each week throughout Australia of how to pay the rent when unexpected illness or accidents strike at the earning capacity of the person paying rent."

In Victoria over a third of the population live in rented premises.

The Swann tenant cover proposal comes in the wake of a recommendation by the community committee investigating tenancy law reform in Victoria, that an insurance scheme be devised to replace the existing system of bond payments.

Fin. Review 3/11/78 p.19

Under the proposal, tenants would be required to pay a small premium in lieu of the traditional bond, which is currently about \$200. The insurance bond is designed to remove the hardship experienced by low income groups in paying a substantial bond, and to provide landlords and real estate agents with greater security on costly houses.

Under the Swann tenant cover rent payments are made for total disability resulting from a covered sickness or accident from the 15th day to a total of 52 weeks if necessary.

Tenant cover also makes rent payments, beginning with the 15th day of unemployment, while a person is registered for and in receipt of unemployment benefits for up to 60 days or \$400 for each claim, whichever is less.

In case of accidental death the cover pays \$400.

Swann Insurance pays agents direct, which reduces the losses and administrative costs caused by delinquent tenants, and eases the burden of landlords who see an expensive investment deteriorating while not returning funds.

INSURANCE POLICIES GALORE.....

The Insurance policies will be issued through estate agents at the time the tenants sign a lease.

Participating estate agents will receive a commission of around 25 per cent for each policy sold including renewals. Premiums are paid by the tenant.

Benefits to the tenants are:

- Payment of rent in the case of sickness or accident for up to 52 weeks (excluding the first 14 days)
- Payment of rent in the case of unemployment for up to 90 days (excluding the first 14 days)
- Payment of a lump sum of \$2000 in case of death

Annual premiums are based on the monthly rental payment and range from \$49 (on rents to \$125) to \$153 (for rents from \$475 to \$500). These rates are for residential property.

The scheme can also provide cover for sole traders and partnerships leasing commercial or industrial property

Annual premiums for commercial and industrial tenants will be determined early in 1979.

The scheme guarantees landlords the continuing payment of rentals irrespective of the continued health and employment of the tenant. Claims are settled promptly generally within a week.

One of the main advantages of the scheme for estate agents is the extra income received from the commission on selling policies.

In the case of residential tenants, the agent will receive \$13.09 commission at the lowest level of cover and \$35.76 at the highest.

The scheme is currently only available in Victoria but is expected to be in operation in New South Wales later this month and in other states by February 1979

TENANT INSURANCE POLICY RELEASED

Melbourne Insurance Broker, Robert G Bennett & Associates Pty Ltd, has introduced a new tenant insurance package, to protect both landlords and tenants.

It is claimed to be a totally comprehensive scheme and covers tenants against the inability to continue rental

payments in case of sickness, accident, unemployment and death.

The scheme is being underwritten by AFG Insurances Ltd, a member of the Commercial Bank of Australia group, except for the death component which is being underwritten by Greater Pacific Life Assurance Company Ltd.

Aust Property News

Garry Maddox, the "Sydney Morning Herald's" property reporter, gives one reason why Sydney house prices rose during 1978:

Sydney house prices, according to people within the industry, generally rose by about 20 per cent.

As well as prestige homes, terrace houses in the inner city increased steeply in price. A city valuer quoted average increases of 28 per cent for renovated terraces in Newtown, 30 per cent in Woolloomooloo and 32 per cent in Glebe, Rozelle and Annandale.

The main reason for such increases was the number of investors planning to cash in on the high returns possible because of the city's shortage of rental accommodation.

With fewer than two of every 100 rental properties vacant, rents rose substantially. Rises of 10 to 25 per cent were common in the Eastern Suburbs and parts of the North Shore, while the increase was generally between 8 and 10 per cent in the Western Suburbs.

The average price of a home sold in Sydney at the start of this year was \$42,790, according to the Australian Bureau of Statistics. This figure would now be more than \$50,000.



SMH 1/1/79 p7

advertisement



AGENTS TO NEWTOWN'S ABSENTEE LANDLORDS

COCKROACH REALTY PTY. LTD.

(Incorporating Riff Off & Standover & Sons)



EVICTON NOTICE

We're kicking you out of your home because (tick where applicable):

You are a black, migrant, worker or single parent

We want to "do the place up" and re-let it to students or trendies for 5 times the rent

We want to rip it down to build town houses or flats

We just want to leave it empty as a tax dodge

1 WEEK NOTICE TO QUIT

DON'T BOTHER FIGHTING IT . . .

IN THE LONG RUN THE COURTS AND COPS ARE ON OUR SIDE



18

ACTIVITIES OF RENTAL BOND BOARD

In October the Tenants' Union wrote to the Rental Bond Board requesting information on the activities of the Board since its establishment at the end of 1977. The information requested included:

- The number of rental bonds lodged
- The number of rental bonds claimed
- The number of rental bonds returned to the tenant
- How much money had been lodged with the Rental Bond Board
- How much interest had built up on rental bonds
- In which bodies money had been invested
- How many loans had been made to people who were previously tenants to purchase houses
- In which localities building projects had been initiated using Rental Bond Board monies
- How much money had been used for administration of the Rental Bond Board
- How much money had been advanced towards a Rental Advisory Service administered by the Government and to community groups for the purpose of assisting tenants.
- How much interest had been reinvested.

The Chairman of the Rental Bond Board advised that the Board is currently preparing a report for the Minister who may release this information at a later date.

A similar letter was sent to the Registrar of the Consumer Claims Tribunal seeking information on its activities relating to claims on Rental Bonds. No reply or information has been received from the Consumer Claims Tribunal to date.

SOME CRITICISMS OF RENTAL BOND BOARD

The establishment of the Rental Bond Board has certainly helped tenants who previously were being ripped off for their bond money. However, some real problems still exist. Four are listed below.

1. Tenants still not aware that they can claim back their money without having to speak to the agent first.
2. Evidence that at least one agent has asked tenants to sign a blank claim form at the commencement of the tenancy.

3. Administrative bungles. Evidence of at least one administrative bungle by Rental Bond Board where they paid out bond money to a landlord when in fact the tenant had sent in a claim form first and there was clear evidence of a dispute.
4. Delays of around three months before disputes are heard by Consumer Claims Tribunal.

The Tenants' Union is very critical of the Government in that tenants are not benefiting from interest that builds up in the Rental Bond Board Account. The Government has chosen to use this money for projects which should be funded through consolidated revenue, not from tenants' money. Three points to be made here are:

1. Money is going to project homes for home buyers in outer areas and this does not increase the supply of rental accommodation. Also the majority of tenants live in the inner city and areas such as Bondi and North Sydney.
2. Slow progress in the establishment of the Government's Rental Advisory Service.
3. There needs to be a loan scheme instigated whereby tenants can borrow from the Rental Bond Board towards the initial cost of moving into rental accommodation. This is particularly relevant to low-income families.

A worthwhile subscription -

"RE CONSTRUCTION"

Building and Housing Industry Information Bulletin

A Project of the Trans-National Co-operative,
Box 161, G.P.O., Sydney, 2001.
Phone 02-261702

\$500,000 for townhouses

The Rental Bond Board has released \$500,000 of its income from investments for a special home-buying project at Cabramatta.

The Minister for Co-Operative Societies, Mr Einfeld, said yesterday that the \$500,000 would be lent at 6 per cent interest to tenants who were renting accommodation and wanted to buy the townhouses.

SMH 5/10/78

p3

Loans from bond money

20

SMH 10/10/78

SIR, I see that Mr Blackshaw's letter on the Rental Bond Board (October 13) was written on October 7 — before it was clear, that is, that the electorate had overwhelmingly rejected the Liberal Party's proposal to abolish the Board.

He is wrong in several other ways also.

Those who will receive loans from the Board's release of \$500,000 for the town houses at Cabramatta are not already living there, as Mr Blackshaw says. This is a completely new project, providing homes for people on low incomes and jobs for building workers, made possible by the Board's initiative.

The benefit of these 6 per cent loans does not come "from the pockets of needy tenants" but from the Board's return on investment of bonds.

Mr Blackshaw seems to be unaware that these investments are already being made in such institutions as permanent building societies and banks for housing purposes.

The State Government decided to use bonds in this way precisely because it wanted to help tenants "who would like to buy a home themselves," but who had little chance to do so for reasons of low income.

Bonds were rarely used in the interests of tenants before the Bond Board system was set up, but were almost always used instead for landlords' own personal purposes.

The Government's alternative, supported overwhelmingly by the electorate, is that bonds ought to be used for the greater good of the whole community.

Finally, there is no "enormous cost" to the Government of running the Board. It is paid for out of its investment of bonds.

In fact, the Board's budgeted profit for the year — after all administrative expenses have been deducted — is expected to be about \$1.5 million.

S. D. EINFELD,
Minister for Consumer Affairs,

Oxford Street,
Darlinghurst.

October 13

COMMENT -

The Minister for Housing, Mr. Einfeld, recently stated that his Department has budgeted for \$1,500,000 after administration costs from the Rental Bond Board have been subtracted. He also announced that an amount of \$500,000 was being advanced for project homes in an outer suburb for first home buyers. The Tenants' Union has continued to support the establishment of the Rental Bond Board because it decreases hassles the tenant has seeking recovery of the bond money from landlords who previously held on to this money for their own purposes. However, the Tenants' Union has continued to oppose the current use of interest from the Rental Bond Board's account. With the critical shortage of rental accommodation in Sydney there is a need to create new rental housing. The Minister's argument that first home buyers release their previously rented accommodation for other tenants is not satisfactory. There is no guarantee that such housing remains in the rental housing stock. They can be sold off at any time and disappear from the rental housing stock. The Tenants' Union argues that there is a need to create accommodation which will remain rental housing and interest from the Rental Bond Board can benefit tenants if it is lent to non-profit housing associations to provide stable rental accommodation.

The Landlord and Tenant Act

SIR, With reference to C. H. Norrie's letter (October 3) on modifying the Landlord and Tenant Act, "controlled" premises are relatively few in number as the houses must be at least 24 years old (residential units nine years).

Also, premises which have had a 5A lease must have been registered with the Rent Control Office on or since January 1, 1969. Hence many of the tenants have lived in the dwellings for longer than 24 years.

They are mostly elderly pensioners who have reared their children in the house, their friendships have been founded within the area and they are very familiar with the local community's services and resources.

"Controlled" dwellings are increasingly being sold, regardless of the premises being vacant or not, to speculators and development companies who purchase many properties at once. These landlords do not treat the "protected" tenant kindly in attempting to gain vacant possession, often resorting to physical and mental harassment of the tenant.

Working in a welfare agency for just six months provides one

with many accounts of gas, electricity and water being cut off, invasion of privacy, and the non-repair of essential items such as toilets and stoves.

Also landlords are quick to take court action to evict "wealthy" tenants ("wealthy" meaning that the entire household's income is \$10,000 or more a year). And, they act fast in attempting to put council orders on the premises for unnecessary renovations.

Finally, the cost of repairs and maintenance should be distinguished from the benefits of long-term investments, Landlords who allow their properties to fall into disrepair such that the walls are collapsing, the electrical wiring is dangerous and the plumbing has rusted away, have more than likely failed consistently to maintain the premises in a condition suitable for human habitation.

The Landlord and Tenant Act merely protects the tenants of "controlled" premises against massive and unjustified increases in rent.

(Mrs) LESLEY REDWIN,
Tenants' Union of NSW,
Regent Street,
Redfern.

October 5



Sorry, we can't help with Agents.

No sign of rental control

Property investors who have been concerned that a re-elected State Labor Government would bring back rental control have nothing to fear, according to the Real Estate Institute of NSW.

The president of the institute, Mr Eric Morrison, said yesterday the Minister for Consumer Affairs, Mr Einfeld, had "given emphatic assurance" that the move was not being considered.

"We have no reason now to

believe that the result of last weekend's election will alter the minister's public statements," he said.

"It is recognised by the present Government and all thinking people that available rental housing is at a low level now.

"It would become almost non-existent if rent controls were introduced or any laws passed which gave investors less control over their properties."

Mr Morrison said the variation in the local rental markets was demonstrated by the time it took to let a property for more than the market rate.

HOUSING INFORMATION AND REFERRAL SERVICE FOR INNER SYDNEY

New South Wales Shelter has received funding of \$40,000 over a three year period under the Family Support Services Scheme to run a Housing Information and Referral Service for Inner Sydney. The money comes from the Office of Child Care in Canberra and is administered by the Family and Children's Services Agency of the N.S.W. Department of Youth and Community Services.

The goals of the Housing Information and Referral Service can be outlined as follows:

To provide to low income families, families in emergency situations and others in housing crisis, an effective and accessible system of housing information and referral services, which meets their immediate needs for advice, assistance and accommodation, and which provides for longer term support and development within the local community. These services will be provided through further development of an existing network of housing advice services, staffed by volunteers and operating out of existing local agencies. This network will be supported by a regional resource and development unit, providing a much needed backup system to the network.

Without in any way limiting the extent of these goals, a number of specific objectives for the service have been identified. These include:

- (a) to develop a listing of low cost private rental accommodation for use by existing services and agencies within the region. This listing would include boarding houses, low cost hotels, refuges, aged accommodation, hostels, as well as privately rented houses and flats which would be updated weekly;
- (b) to produce a standard Housing Information Kit. This would cover public and private tenancy, access to low interest housing finance, government assistance on housing issues, availability of specialised accommodation and assistance on repairs. This will be produced in a number of languages and distributed to all points of the network, and updated regularly;
- (c) to provide a supportive service to local groups in the network, through such means as running workshops for volunteers, arranging publicity and visibility and other activities requested by the local services;

- (d) to collate statistics and information supplied by local services on housing issues and problems within the region, and to produce regular reports to the government on these issues;
- (e) to cater for immediate referrals from local agencies seeking specialised advice, in situations where the information kit does not provide sufficient details to deal with the particular situation.

In addition to these objectives, the network would attempt to experiment with other types of housing services, including:

- (f) development of local self-help groups based around the local centres which would provide an informal social setting for the discussion of housing and related problems in the community;
- (g) housing counselling - particularly in regard to housing finance and housing payments, and longer term counselling aimed at gaining access to housing finance at some point in the future;
- (h) housing repair advice to low income owners and tenants, including where to get cheap materials and labour, and how to undertake regular maintenance jobs;
- (i) advice on new building technologies, such as the use of solar energy and low maintenance housing schemes; and,
- (j) housing education and assistance programmes for migrant groups, handicapped people and other minority groups.

The Housing Information and Referral Service will consist of a regional resource and development unit and a network of locally run housing information services. The region over which the service would operate would initially include the local government areas of Sydney, South Sydney, Leichhardt and Botany. However, over the first 12 months of operation, this would be extended to include Waverley, Randwick, Marrickville and North Sydney.

There are three staff, who are all part time. Their jobs are: Information Officer, Development Officer and Project Officer.

The Service should be in full swing by March of this year.

MISLEADING ADS BY REAL ESTATE AGENTS ARE NOW ILLEGAL

There has been a recent amendment to the Auctioneers and Agents Act, 1941 dealing with leasing advertisements. False or misleading advertising provisions of the Act have been extended to cover leasing propositions. Accordingly, in its amended form Section 84A(1) will now read:

"Any licensee or real estate dealer who publishes or causes to be published in the course of his business as such any statement which -

- (a) is intended or apparently intended by such licensee or real estate dealer to promote the sale or lease of any property; and
- (b) is (whether to his knowledge or not) false or misleading in a material particular,

shall be guilty of an offence against this Act"

As you will be aware the Act provides rather substantial penalties for offenders. In respect of this particular section the maximum penalty available against a corporation is \$800 while for an individual it may be either \$400 or 2 years imprisonment or both."

KINGS CROSS TENANCY ADVICE SERVICE EXPOSES TNT SLUMLORD

(TNT prides itself on being a responsible corporate citizen!!)

LETTER TO TENANTS OF SURREY AND CRAIGEND STREETS -

A circular was distributed to tenants of Surrey and Craigend Streets, Darlinghurst, reproducing a press release from the "Sydney Shout" and a copy of a letter to TNT Management demanding a meeting over the condition and maintenance of the homes. The press release from the "Sydney Shout" and letter to TNT Management follow:

January 20, 1979.

Dear Sir,

No doubt you will have seen the recent stories in Sydney Shout (16.12.78) and Nation Review (Dec.22 - Jan.12) critical of your administration of the various buildings let for rental in Surrey Street, Craigend Street, and Royston Place. These stories are based on records in our files.

After discussions with various tenants in the area, we wish to approach you for discussions on the condition of the houses in the area, the need for repairs and the rental levels.

You will no doubt have noted that although we have not so far suggested that tenants, in this area, should take collective action in relation to housing conditions, in several cases, individual protests against the deferral of needed repairs have taken the form of the non-payment of rent. It would therefore be in your interests - to avoid loss of rent - if a settlement of existing problems acceptable to tenants were negotiated. We would prefer negotiation to continuing media publicity and constant referrals of individual properties to council health inspectors.

We would be ready to meet you at any reasonable time of mutual convenience.

Yours faithfully,

(Sgd.) Own Gager,

For Tenants' Union

Primera P/L.,
Attention: Mr. Zealand,
Lawson Square,
REDFERN. N.S.W.

TNT SLUMS - Residents outraged

Thomas Nationwide Transport has been forced to make an urgent decision on its \$6 million real estate investment in Darlinghurst following tenant outrage at deteriorating housing conditions.

Since 1971 TNT has bought up a massive slice of the Darlinghurst residential area.

The area comprises the flats and terrace houses situated between Surrey and Craigend Streets.

This week residents in Surrey Street, were up in arms over what they consider to be shocking living conditions.

The street runs onto the Eastern Distributor on the southern fringe of Kings Cross.

Residents complained of:

- crumbling walls.
- leaking roofs and ceilings.
- irreparable plumbing.
- broken windows.
- rat and cockroach infestation.

City Council Health Inspectors have visited several houses in Surrey Street following these complaints.

Notices were served on Barraclough & Goldman Pty Ltd., to carry out immediate repairs, but residents claim that little repair work was done.

The Estate Agent would not comment on the condition of the houses.

But Sir Peter Abeles, Managing-Director of TNT, told Sydney Shout that his company would soon be making a major decision on the real estate purchased in Darlinghurst.

Tenants Demand Slum-Clean Up

"It will soon be resolved," he said.

Sir Peter said TNT had no future plans to buy up more city residential areas.

Meanwhile TNT sits on what valuers consider to be the hottest piece of real estate in the inner-city area.

The TNT property has been designated for high rise with Surrey Street earmarked for exclusive terrace housing.

TNT arranged finance for its venture into housing acquisition through Australian European Finance Corporation Ltd and the Commonwealth Bank.

Terms of the mortgage state that TNT must keep the property "in good and tenable state of repair."

Residents claim that several of the houses in Surrey Street have been neglected so badly that they are barely habitable and in need of extensive repair.

As well Surrey Street tenants are irate following a recent fire that gutted one of their terraces.

The fire was caused by faulty electrical wiring and ended up gutting the home.

Residents told the Shout they were afraid to speak out individually because TNT had put them on week-to-week leases, rents were low and housing was difficult to find.

The company had also issued eviction notices to tenants in many of the terraces.

The agents for TNT are Barraclough and Goldman — a real estate company in which Liberal MP Mr John Barraclough, has a share.

The residents of Number 67 Surrey Street said that they had submitted a list of complaints to Barraclough and Goldman last July.

They asked for: the

Sydney Shout
16/11/78 pp 1,2

weatherproofing of several rooms, the erection of a back fence and plumbing work to prevent water seeping into a hallway and from a bathroom shower.

They said the complaints were the minimum needed to keep the house habitable.

Three weeks later a handyman arrived to replace a window pane.

In another bout, the asked for a water heater to be mended that was falling off the wall.

Two weeks later the heater fell off the wall, leaving a torrent of water streaming through the house.

According to the residents, the agents told them the handyman was in the area and they should search for him.

The man plugged the pipe. For the next three weeks the tenants had no hot water in the kitchen and no water, cold or hot, for showers.

They rang the City Council health department and complained.

By the time the health inspector arrived the agents had fixed the heater but the inspector was aghast at the conditions under which the people were living.

Following his visit two events occurred: the tenants were issued with an eviction notice and the owners were told by the council to improve the properties.

The tenants say they have paid their rent regularly each fortnight — but not two weeks in advance.

The Surrey Street set of terraces — some two, some three storeys — are listed in the City Council's Darlinghurst Action Plan as "good structure" with a recommendation for rehabilitation.

One of the longest-resident tenants said he had fought to get a toilet that worked.

The agents had issued an eviction notice and he had ignored it. They tried to put up his rent but he stayed put.

The Action Plan of the Council says (p.24): "It is recommended that Council should ... encourage redevelopment only in areas which do not presently house many people in order to minimise relocation hardships."

The man said he finally had to throw himself on the mercy of the agents because he had young children and could not find a new house within a week. He was still battling.

Two residents who spoke to the Shout said they had done up their own homes and the agents had agreed to pay for the paint.

Another said the agents had re-erected her television aerial.

Several complained of collapsing verandahs.

Many of the tenants had heard that TNT had bought the area but had never been told officially. Only a change of agents more than a year ago signified the new arrangements under which the TNT company, Primera Pty Ltd., bought the properties.

City Council and Registrar-General records show that TNT paid massive prices for some of the sites.

No. 23 Craigend Street, fronting onto the Eastern Distributor, now Zulu's Restaurant, was sold in 1973 for \$134,000.

The site contains a shopfront and small residence.

Primera is reported to have paid very high prices through Surrey Street, Craigend Street and Royston Place to secure a block that was available for development.

LEGAL RESOURCES BOOK (N.S.W.)

Redfern Legal Centre, an independent legal service in inner Sydney, has produced a Legal Resources Book (N.S.W.). This book provides a guide for lay people, social welfare workers, teachers and other people who wish to know what the law is and how it affects them. The book is written in straight-forward language. A major chapter is on housing and includes a section on private tenancies.

The price of the book is \$13.00 with an Up-date service costing \$6.00 per year.

If you wish to obtain a copy, why not ring Redfern Legal Centre at 699 8922, extension 33 during the day.

Axe Member

Amusing to see Liberal member for Kirribilli, Bruce McDonald, pontificating on housing policy in election T.V. advertisement.

A better idea of McDonald's ideas on housing can be gauged from his actions towards a group of his constituents recently. A local landlord was trying to intimidate some protected tenants into vacating their houses, by smashing down a door with an axe.

Who should happen to be there advising the beleaguered tenants that the landlord was "within his rights?" None other than the redoubtable Mr. McDonald.

Challenge Nov '78



HOUSING
Private Tenancies
Housing Commission Tenancies
Problems in Home Buying
Local Government & Housing
Dividing Fences



MOBILE TENANTS' ADVICE SERVICE

Over the last couple of years the Tenants' Union has gone to shopping centres on Saturday mornings and handed out information on the Tenants' Union and tenants' rights. It has also given advice to passers-by who were having hassles with their landlords or real estate agents.

The Tenants' Union has the permission of the Mobile Community Information Service to borrow their Kombi Van from time to time on Saturdays to continue this activity. Perhaps you would like the Mobile Tenants' Advice Service to come to your local shopping centre.

If you are interested in working on our Mobile Tenants' Advice Service on Saturday every month, please ring Robert Mowbray on 699 4073 so more of this can be organised.

TOP 12 LOCAL GOVERNMENT AREAS IN TERMS OF:-

i) Private Tenanted Dwellings -

<u>1971 Census</u>			<u>1976 Census</u>		
<u>Rank</u> <u>Order</u>	<u>L.G.A.</u>	<u>% Pvte.</u> <u>Tenants</u>	<u>Rank</u> <u>Order</u>	<u>L.G.A.</u>	<u>% Pvte.</u> <u>Tenants</u>
1.	Sydney	78.3	1.	Sydney	59.7
2.	Nth. Sydney	57.4	2.	Nth. Sydney	47.6
3.	Waverley	55.7	3.	Waverley	45.9
4.	Marrickville	53.0	4.	Marrickville	42.4
5.	Woollahra	52.5	5.	Ashfield	40.7
6.	Leichhardt	51.3	6.	Leichhardt	40.6
7.	Ashfield	49.5	7.	Woollahra	40.2
8.	South Sydney	44.5	8.	Mosman	34.9
9.	Randwick	42.8	9.	Randwick	34.8
10.	Mosman	41.8	10.	Manly	32.2
11.	Burwood	40.6	11.	South Sydney	31.9
12.	Canterbury	32.8	12.	Burwood	30.8
	N.S.W.	23.1		N.S.W.	19.3

ii) Tenanted Dwellings* -

<u>1971 Census</u>			<u>1976 Census</u>		
<u>Rank</u> <u>Order</u>	<u>L.G.A.</u>	<u>% Tenants</u>	<u>Rank</u> <u>Order</u>	<u>L.G.A.</u>	<u>% Tenants</u>
1.	Sydney	81.3	1.	Sydney	63.0
2.	South Sydney	62.1	2.	South Sydney	54.0
3.	North Sydney	59.3	3.	North Sydney	49.3
4.	Waverley	56.7	4.	Waverley	46.6
5.	Leichhardt	54.2	5.	Leichhardt	43.5
6.	Marrickville	53.6	6.	Marrickville	43.1
7.	Woollahra	52.9	7.	Randwick	41.7
8.	Ashfield	49.8	8.	Ashfield	41.0
9.	Randwick	49.3	9.	Woollahra	40.6
10.	Manly	42.3	10.	Mosman	35.2
11.	Mosman	42.2	11.	Manly	33.5
12.	Burwood	41.3	12.	Burwood	31.7
	N.S.W.	28.0		N.S.W.	24.8

* (includes Housing Commission)

HANDYPERSON SERVICES

A number of Handyperson Services have been established around Sydney. These services assist disadvantaged individuals and families in getting essential repairs to furniture and around their house.

The services in the inner city area can be contacted through South Sydney Community Aid at 699 4073 and include -

- Tech-help
- The Home Help Service in South Sydney
- "Ernie"
- The Combined Pensioners' Association in Marrickville.

It is important that tenants get real advantages out of the work done around their houses, rather than landlords. The Tenants' Union has prepared a statement for one of the Handyperson Services, Tech-help, on how this can be achieved. This follows:

PROTECTION SOUGHT BY TENANTS IN THESE APPROACHES IS FOR GREATER SECURITY OF TENURE OR LESSER RENT IN EXCHANGE FOR THE VALUE OF WORK DONE.

A. Tenants holding a current lease.

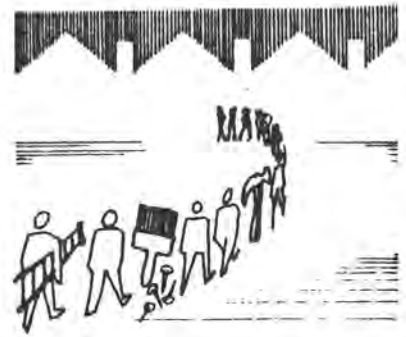
Existing leases cannot be varied for the period of the lease once they are signed. Hence protection is achieved by both parties agreeing to enter into a new lease.

B. Tenants whose leases have expired.

1. Rent decrease - implemented by a deed varying rent as in Form 1 which can be obtained from the Tenants' Union.
2. No rent increase for a set time period - a new lease is negotiated at the existing rent.
3. Security of tenure for a set time period - a new lease is negotiated, at the existing rent or an agreed rent.

C. Tenants living in 'controlled' premises

1. Rent decrease - implemented by a 17A Agreement which will go to the Rent Controller for approval. However, it may have to go through the Fair Rents Court initially.
2. No rent increase for a set time period - increase cannot be enforced without a 17A Agreement which is approved by the Rent Controller or a rent determination by the Fair Rents Court.
3. Security of tenure for a set time period - this already exists to a certain extent. Protection is possibly furthered by making the use of S62(m) redundant or invalid depending on the extent of repairs.



NO ACTION ON A HOUSING INFORMATION CO-ORDINATING BODY

A number of members of the Tenants' Union attended a conference in Adelaide in April of last year on Housing Information and Advisory Service. This Conference was organised by the Federal Department of Environment, Housing and Community Development. A resolution was adopted calling on the Department to organise a meeting at the State level of major involved organisations to discuss the establishment of a Co-ordinating Body in the area of Housing Information Services.

In October, 1978 the Tenants' Union wrote to the Department asking whether it intended to act on this resolution as the Tenants' Union views the establishment of such a body as a high priority. There was no reply from the Director of the Department in Sydney and, as everyone knows, Fraser has now abolished this Department.

It appears very unlikely that the Federal Government will now sponsor such a body. Perhaps Mr. Einfeld could take the initiative!

STATISTICAL BREAKDOWN OF CASES HANDLED BY FIVE
TENANTS' ADVICE SERVICES

12 Month Period up to 30th June, 1978

<u>Problem</u>	Period June to Aug. '78				
	<u>Bondi- Waverley</u>	<u>Kings Cross</u>	<u>Leichhardt</u>	<u>Redfern</u>	<u>Surry Hills</u>
General Advice	44	14	7	48	Not rec.
Searching for Accommod.	15	3	-	21	4
Repairs	39	16	8	68	2
Rent Increases	48	11	2	39	1
Invasion of Privacy	3	3	4	20	-
Threat of Eviction	57	9	4	83	7
Lock-out	3	-	-	4	-
Dispute over Bond Money	35	5	3	45	3
Enquiries re Rental Bond Board	9	-	-	*	-
Dispute over Tenancy Agreement	5	-	2	28	3
Dispute over Rent Payments	2	4	2	10	-
Rent Arrears	17	1	-	13	1
Tenant seeks to Terminate Lease Early	7	2	2	23	-
Discrimination	-	-	-	4	-
Dispute with Neighbour	4	3	-	4	-
Other Services, i.e. Gas, Electricity & Water	5	2	1	18	-
Application for H.C. Accommodation	-	-	-	7	1
Other	<u>27</u>	<u>3</u>	<u>-</u>	<u>16</u>	<u>-</u>
	320	76	35	451	22

* included in
"General Advice"

Consumer Affairs

2.5 Tenancies

A thorough review of tenancy law by way of a public inquiry and report should be instituted. The inquiry should be open to landlords and tenant groups as well as consumers generally. The terms of reference of the inquiry should include: standard form leases, fair rents boards, minimum standards of rented accommodation, maintenance, termination of tenancies, invasion of privacy, limitations on the number of occupants, seizure of property, discrimination, legal aid, stamp duty, tenancy advice service and the establishment of a special tenants appeal board based on the procedures adopted by the Consumer Claims Tribunal.

Housing

A Labor Government will actively pursue the objective of increasing the existing private and public rental stock.

Housing must be provided for those who are in some way disadvantaged by society and have to receive some form of subsidy in order to achieve adequate housing.

6.01 A special enquiry into the supply/demand factors of the rental market in terms of regional variation in rental stock and the mechanics of the rental market will be undertaken by the Government.

7.01 The Government should require that all Government-owned housing (such as DMR acquired housing for road purposes) be made available to low income groups as rented accommodation. The means for assessing the rent should be the NSW Housing Commission rental formula.

11.01 Rental subsidies shall apply to persons in needy circumstances; eg, low income earners, handicapped persons, single parent families and those whose earning capacities are curtailed.

13.01 Repeal the present Landlord and Tenant Act and introduce the new simplified Act to protect both landlords and tenants.

16.00 A Labor Government will actively support the provision of emergency housing in appropriate areas and will assist in the provision of referral and support schemes.

16.01 To this end a Labor Government will initiate the establishment and support the operation of a listing of low-cost rental accommodation for people in emergency situations. Such a scheme will be progressively introduced on a regional or sub-regional basis in co-operation with voluntary agencies and groups involved in the provision of emergency accommodation.

16.02 A Labor Government will ensure that the NSW Housing Commission accepts a greater responsibility for short-term emergency accommodation and that this responsibility will be embodied in legislation.

16.03 In the planning of public housing re-development areas, provision will be made for centres to provide emergency accommodation for people urgently requiring short-term housing.

16.04 A Labor Government will progressively build up a stock of emergency housing available for short-term occupancy. The stock of housing will consist of a mixture of types of accommodation to cater for the varying needs of people requiring such housing.

16.05 Emergency short-term housing will be provided for a period of limited tenure to ensure that a stock of accommodation is available to those experiencing an urgent housing need.

16.06 Emergency housing when provided will, as far as possible, be located close to welfare services.

16.07 A Labor Government will seek to establish an advisory body to counsel people having a special need for emergency housing. Such an advisory body will consist of specialist staff and include social workers, housing officers and persons with a knowledge of available housing alternatives.

16.08 A proportion of Housing Commission dwellings disbursed throughout existing residential areas will be set aside for emergency housing.

See P 3
↓

STOP PRESS

Clyne fined \$200 over advertisement

Peter Clyne, the former barrister, was fined \$200 in Central Court Petty Sessions yesterday and ordered to pay \$6 costs for advertising tenant ejection service.

Clyne, of Elizabeth Bay Road, Elizabeth Bay, had pleaded not guilty to a summons issued by the Department of Consumer Affairs.

It alleged that on March 5, 1978, Clyne had "caused to be published a statement inviting other persons to consult him in connection with the recovery of possession of prescribed premises."

Clyne, who defended himself, said he had caused the statement to be made. A person who submitted an advertisement to the publisher of a newspaper merely requested publication and offered pay for the advertisement.

Mr B. Brown, S found the offence proved.

SMH 2/2/79
p 12

Extracts from A.L.P. State Platform from "The Radical" Vol. 9 No. 6 December, 1978.

SHOULD NELSON Meers be elected Lord Mayor of Sydney tomorrow it will represent a move back to traditional local government stereotypes, a conflict with his money in real estate.

In recent years Sydney has had a brace of London retired footballers and inventors filling the mayor's chair not to say to neglect of representative jobs for similar innocents.

But a revival of traditional values in Sydney will be welcome.

Early in the campaign for the mayoralty candidate Meers said "I have retired from the law because some investments that I made turned out to be very good."

When the present Lord Mayor was subsequently elected as to the nature of local government, he was strikingly frank and forthcoming.

The four main Meers companies are Prometheus Rentals Pty Ltd, Lajonean Holdings Pty Ltd, Simlen Rentals Pty Ltd and the Sydney Pty Ltd.

Prometheus has two properties, one at Potts Point and two in Bays Hills, together valued by the directors at \$161,000.

The company's borrowings both secured and unsecured stood at \$136,392 in the 1977 balance sheet.

Simlen Rentals has properties at Birchgrove, Forest Lodge and Newtown, valued by the directors at \$128,500.

The company has secured and unsecured borrowings of \$264,247 and for the year

ended June 30, 1987, incurred a loss of \$35,826.

Lajonean Holdings has \$31,000 worth of property at latest valuation and secured and unsecured borrowings of \$45,882.

It also has \$102,044 in current assets that have been advanced, \$36,077 of which has been secured over property and \$357,031 unsecured.

Alderman Meers also has interests in a liquor store at West Gosford and has his funds invested in a kindergarten at Dee Why, which has since been sold.

Last weekend he was elected to the board of what would have been the most popular health fund, the HCF.

He says he resigned because of a conflict of interest in time as he stands apart from the fact that he cannot do the fund's recent work, which includes the ironically ill-famed benefits.

The success of his private ventures has ensured that Alderman Meers, if elected mayor tomorrow, will be able to fulfil the job to a full and capacity.

The Labor candidate, Alderman Doug Sutherland, properly concludes in his advertisement, however, that he is a chartered accountant.

Not quite so vociferously as it should also be noted that Alderman Sutherland is a member of a well-known corporate trader, Industrial Equity Ltd.

Of course it is always preferable to have at full disclosure of pecuniary interests before an election rather than half-way through a term of office.

DID YOU KNOW ... If the landlord or Real Estate Agent hasn't lodged your bond money with the Rental Bond Board, then you should still complete the form entitled "Claim for Refund of Bond Money" when you vacate. You should also attach a covering letter explaining the situation. A claim form and a sample covering letter can be obtained from the Tenants' Union at 699 4073.

Fin. Review
3/11/78 p 44

RESOLUTION ON SQUATTING

The Tenants' Union of N.S.W. has stated its policy on squatting as follows:-

Tenants' Union supports squatting where it aims to have leases established on property which was previously left idle and allowed to fall into decay. Also, squatters should seek the support of local residents.

Tenants at Risk

A column on tenancy problems prepared for us by the Tenants' Union of N.S.W. phone: 699-4073.

Q: If I get behind in rent can the landlord or agent put me out of my house or flat?

A: No. The Landlord or agent does not have the right to come in and throw you out.

Generally the landlord or agent must give you a document asking you to leave.

This document is called a "notice to quit", and it must give you time to vacate.

The length of time will depend on the circumstances of your lease.

If you choose to stay on, the landlord has to get an eviction order from the court.

The landlord must let you know when your case will be heard.

If the landlord tries to throw you out without an eviction order, you should contact a legal aid centre and you should call the police immediately.

If your landlord or agent also threatens to lock you out then you should change locks on all external doors as soon as possible.

If the period of your lease is not up and you want to stay until the lease is finished, then it is sufficient for you to pay off all your rent arrears and the landlord's costs, if he or she requires it, before the time given in the "notice to quit" expires.

Regular Workshop on Tenants' Rights

The Tenants' Union holds regular workshops on Tenants' Rights every second month. These workshops are open to volunteers with Tenants' Advice Services and any other interested person.

The next workshop will be held between 1 p.m. and 5 p.m. on Sunday, 25th. March at St. Luke's Community Centre, 118 Regent St., Redfern. Workshops are held on the fourth Sunday of each odd calendar month at this same address.

Members are encouraged to attend.

This column regularly appears in the "Guardian-Pictorial", which is an inner city newspaper.

Perhaps you could approach the local newspapers in your area and ask that they run a similar column. If they are interested, contact Beth Mitchell, our Publicity Officer, by leaving a message at 699-4073.

A STICKER FOR YOUR CAR

Our Publicity Committee has produced a car sticker which reads:

Tenants' Union for Tenants' Rights
Join the Tenants' Union 699 4073

If you want a copy of this sticker just give us a ring at 699 4073 on a Wednesday evening between 5.30p.m. and 9p.m. or leave a message during normal working hours.

FREE TENANTS' ADVICE SERVICES

BONDI BEACH

Bondi-Waverley Tenants' Assn.,
'Chapel by the Sea', 95 Roscoe St.,
Bondi, 2026. Phone 303445, 306449
MONDAY 2pm - 6pm, WEDNESDAY 6pm - 9pm
SATURDAY 9.30am - 12.30pm

BLACKTOWN (Residents of Blacktown Municipality only)
Blacktown Community Aid, Cnr. Kelso Lane
and Newton Rd., Blacktown, 2146
Phone 621 5788
MONDAY to FRIDAY 10am - 3pm

BURWOOD

Burwood Information & Aid Centre,
6 Burleigh St., Burwood, 2134.
Phone 747 5172
THURSDAY 4.30pm - 6.30pm

CHIPPENDALE

Chippo Info, Pine St., Chippendale, 2008.
Phone 698 8216
MONDAY - FRIDAY 1pm - 8pm
SATURDAY 9am - 2pm

DARLINGHURST

Darlinghurst Information & Resource
Centre, 68 Oxford St.,
Darlinghurst, 2010. Phone 312 606
MONDAY - FRIDAY 2pm - 5pm
THURSDAY 5pm - 8pm, SATURDAY 12am - 12no

KINGS CROSS

Community Resource Centre, 280 Victoria
St., Kings Cross, 2011. Phone 31 3210
Monday 4p.m. - 7p.m.
Wednesday 2p.m. - 4p.m.

LAKEMBA (Residents of Canterbury Municipality only)

Canterbury Community Aid Bureau, 62 The
Boulevard, Lakemba, 2195. Phone 750 9603.
MONDAY 10am - 4pm

LEICHHARDT (Italian/Spanish spoken)
Migrant Advisory Service, Ground Floor,
Marketown, Leichhardt. 2040.
Phone 560 4488 Ext.7
THURSDAY 6pm - 9pm

LIDCOMBE

Housing Assn. for Low Income Families,
40 John St., Lidcombe, 2141.
Phone 649 3795
MONDAY - FRIDAY 9.30am - 12.30pm

MIRANDA (Residents in area only)

Crossroads Community Care Centre,
Room 302, Office Tower, Miranda Fair,
Miranda, 2228. Phone 525 3790
Monday and Friday 10a.m. - 4p.m.

NEWTOWN (Interpreters Available)

Newtown Neighbourhood Centre, 343 King
Street, Newtown, 2042. Phone 516 4755
THURSDAY 3pm - 7pm

NORTH SYDNEY

Labour Community Services, 47 Mount
St., Nth. Sydney, 2060. Phone 922 4090
THURSDAY 6pm - 9pm, SATURDAY 9am-12noon

REDFERN

Tenants' Rights Project of South Sydney
Community Aid Co-op. Ltd., 118 Regent
St., Redfern, 2016. Phone 699 4073,
699 2260.
WEDNESDAY 5.30pm - 9pm

REVESBY

Revesby Housing Commission Tenants'
Co-op., 85 River Rd., Revesby, 2212.
Phone 77 7960
MONDAY - FRIDAY 1.30pm - 5.30pm

SURRY HILLS

Surry Hills Neighbourhood Centre,
Doherty Hall, Cnr. Norton & Collins
Sts., Surry Hills, 2010. Phone 31 8890
TUESDAY 3pm - 6pm

Tenants' Advice Services will soon be opening at Bondi Junction and Newcastle. Ring 699 4073 for information on when they will be opening.



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