

tenant NEWS

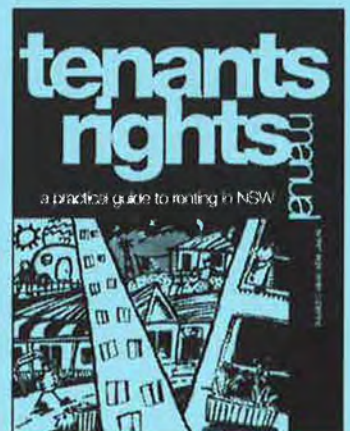
Special Launch Issue

No. 60 NSW September 1997



INSIDE

- **Sydney Launch**
- **Sydney Olympics**
- **Funding Boosts**
- **Funding Cuts**
- **Local, State, Federal News**



About the Tenants' Union

The Tenants' Union of NSW promotes the interests of tenants, including boarders and caravan park residents. Since 1976 we have fought for fairer laws and have worked to let tenants know about their rights. Tenant News is our regular publication. We welcome articles and feedback.

Union Board:

Donna Baines	
Louise Buchanan	
Ria Clayton	
Mary Duxson	
Glen Eggleton	
Mark Gibian	
Kylie Kilgour	
Sunila Srivastava	
Catherine Stuart	Chairperson
David Vaile	
Nick Warren	Secretary
Rita Wilkinson	Treasurer

Union Staff:

Robert Clayton	Administrator
Jennifer Conley	Solicitor
Fran Crittle	Co-ordinator
Gael Kennedy	Training/Resources
Zanne Landles	Access worker
David Ramsay	Policy/Publicity

This issue was produced by:
Australia Region Media

Edited by:
Eddy Jokovich and Lisa Herbert

Printed by Breakout Press
ISSN-1030-1054

The Tenants' Union
68 Bettington Street,
Millers Point NSW 2000.
Telephone: (02) 9247 3813
Fax: (02) 9252 1648
Email: tunsw@fl.asn.au

The views expressed herein do not necessarily reflect those of the editors, or Tenants' Union staff.

Contents

Good News on Bad Tenant Data Bases	3
New statistics on tenancy	3
Housing Ministers Conference	3
Rentwatching the Olympics.....	4
2000 Olympics: Is it a fair trade?	5
Poem by Mary Flaskas	5
Funding success with research project	6
TAAAS receives funding boost	6
State-wide PR campaign	7
National Shelter Takes A Blow.....	7
Launch Success!.....	8
What is access and equity?	10
Legal Aid win benefits tenants.....	13
New Tribunal Bill.....	13
More legal victories in the Courts	14
Tenants Advice and Advocacy Services.....	15
Join the Tenants' Union.....	16



**FREE ADVICE
FOR TENANTS**

The Tenant's Advice Service has helped
20,000 people with free, confidential
advice including:

- disputes with your landlord
- getting repairs done
- being evicted
- bond money

**For the service nearest you including
Aboriginal Services phone free call:**

1800 655 186

There's someone on your side

Good News on Bad Tenant Data Bases

by David Ramsay

Good news—the NSW Privacy Committee has decided to begin a process looking at regulating the practices and operations of “bad tenant data base” agencies. Consistent pressure from the Tenants’ Union and the provision of case studies that highlight the bad practices of data base agencies has prompted action. Officers from the Privacy Committee have met with key industry and consumer groups on the issue.

The full NSW Privacy Committee approved a proposal to produce research in this area at its June meeting. An issues paper for comment will be distributed in the coming months. A time line for the proposal will be developed shortly. *Tenant News* will keep you informed of developments in this area. ■

New statistics on tenancy

An increase in rental dwellings

Census data is beginning to filter through. This data relates to dwellings in Australia. Of the 6.5 million occupied private dwellings 2.6 million (41 per cent in 1996 and 40 per cent in 1991) were owned, 1.6 million were being purchased (25 per cent in 1996 and 27 per cent in 1991), and 1.8 million (29 per cent in 1996 and 27 per cent in 1991) were being rented.

There has been an increase in the amount of rental dwelling (a 2 per cent increase) which should indicate that there has been an increase in the numbers renting.

In 1996 the median household rent was \$123 per week. Of dwellings which were rented 68 per cent were rented through a private landlord or real estate agent while 18 per cent were rented from a State/Territory Housing Authority. ■

Housing Ministers Conference

by David Ramsay

At the recent Housing Ministers’ meeting in Perth the Victorian Minister, Anne Henderson, put forward a proposal that could mean significant changes to the provision of public housing. They include:

- The introduction of a segmented waiting list to target groups for priority housing;
- A tightening up of eligibility criteria;
- A change to tenure arrangements—security of tenure will continue for existing tenants, while three to five year fixed term tenures will apply for new public housing tenants;
- An increase in rent to 23 per cent of income for existing tenants and 25 per cent of income for new tenants.

The press release from the Victorian Minister following the conference stated that “...most Ministers were able to agree on at least some of the key components...”

The message from the NSW Housing Minister, Craig Knowles, is that he opposed most of these proposals, however he may accept changes proposed to the waiting list as its impact would be minimal and that the security of tenure issue may need to be studied more closely in NSW. ■

Rentwatching the Olympics

by Kylie Kilgour

Rentwatchers are a new tenants action group formed to keep an eye on rents in Sydney as the build up to the Olympics rounds the home turn.

Sydney has the tightest rental market in Australia, with a vacancy rate of around 1.2 per cent. A recent study by the University of Sydney's Planning and Research Department has found that burgeoning rental costs in the inner city are forcing tenants out to the urban fringes. Suburbs with a traditionally high number of low-income renters are being swamped by property developments aimed at middle to high-income earners.

This study also showed that home ownership is becoming increasingly unaffordable for low-income earners. People who were previously tenants for a short time are now finding that rental is their only affordable housing option. But if rents continue to increase like they are now, even this may be too difficult.

Federal government cuts to public housing expenditure, rental assistance payments for share houses, and social security benefits for young people will also have an effect on low-income earners' ability to pay the rent.

Add to this a big tourist event like the Olympics and the climate becomes very tough for tenants. Previous tourist events have caused large rent increases in Australia. In the lead-up to bicentennial celebrations in Sydney, cheap inner city boarding houses were converted into short-term tourist accommodation. Low-income boarders and lodgers were evicted and could not afford to return. Expo '88 saw huge rent hikes in South Brisbane. After Expo left town the rents didn't come down.

The NSW government refuses to see that rents in Sydney are going through the roof. They also don't believe that past experiences in Barcelona and Atlanta should alert them to the fact that the Olympics will mean even bigger rents, even if only for a short time. The Olympics Minister's office says there is "no indication of a problem yet" and therefore no need to introduce legislative protection. Yet in both Barcelona and Atlanta tenants were evicted or charged over the top rents in the lead up to the Olympics so that landlords could

cash in on the tourist dollar.

Rentwatchers has been formed to chart the increases in rents, particularly along the Olympic corridor and to lobby for affordable rents in Sydney. We will be releasing quarterly reports about the rental market and community actions planned to protest about rent hikes.

In addition, Redfern Legal Centre have just produced a free kit for tenants called "Going Thru' the Roof: a tenant's guide to fighting rent increases in the Residential Tenancies Tribunal". The kit aims to explain the reasons why rents are so high in Sydney, and what tenants can do about it. The kit was produced with financial assistance from the Law Foundation of NSW. ■

If you want more information, call Beth Jewell or Kylie Kilgour at Redfern Legal Centre on (02) 9698 7277.



**Don't forget to sign
our Olympic petition!**

2000 Olympics: Is it a fair trade?

by David Ramsay

Very little has happened in the area of protection of tenants in the lead-up to the Olympic Games. The Minister for Fair Trading, Faye Lo Po, has received our proposals to amend the Residential Tenancies Act in order to provide protection against unfair rent increases and greater security of tenure during the Olympics period. A recent response from the Minister states:

"Before any decision is made to pursue legislation on the tenancy issue, I believe it is important to properly research the nature and extent of any problem, and to consider the full range of options to deal with the identified problems.

To date there is mixed opinion about the likely impact of the Olympics on the rental market. I am aware it has been raised at the Social Impacts Advisory Committee of the Olympic Co-ordinating Authority ... The Real Estate Institute appears to believe the impact will mainly be on the tourist accommodation market, and that the impact on the private rental market will be small and localised. Your letter mentions evidence of the impact of international events on the rental market in other cities such as Atlanta, Barcelona and Brisbane. It would be extremely useful if you could provide this evidence to my department for assessment. I have asked the Real Estate Institute to make a similar request for any evidence substantiating its view on the issue. The Department intends to convene a meeting of interested parties to review the evidence on the problem and review possible solutions."

The Department for Fair Trading has yet to release its Olympics Fair Trading Strategy and the update of the Olympics Social Impacts Assessment is as yet to be a public document.■

Enclosed within this newsletter is a sample letter to the Minister for Fair Trading and a petition which we ask you to circulate and return to the Tenants' Union urging the Minister to protect tenants during the Olympic games period.

Hillview

I had a little terrace house
and Hillview was its name
it was falling down around me
but I loved it just the same.

I noticed that its friends
were getting brand new coats of paint
and lovely landscaped gardens
picket fences—oh so quaint.

So I spoke unto my landlord
said *I think she needs repairs*
the windows they are broken
there is rot beneath the stairs.

Now he was really naughty
took no heed of my requests
ignored my calls and letters
—till a fall befell a guest.

The tribunal gave him orders
to remedy the ill
and suggested compensation
for my injured girlfriend Jill.

How I gloated in my victory
and promptly set about
extending my requests to him
'coz now I had some clout.

I said *I wanted native plants*
to line my terracotta path
and while you're at it
could you pop a spa onto the bath?

Now my landlord must have noticed
people were prepared to pay
for he went and put my rent up
yes he went and put my rent up
and I had to move away.

Now I live inside a matchbox
and I haven't any cares
'coz a matchbox don't have windows
nor need for any stairs.

Mary Flaskas 1996

Funding for Share Housing research

The Tenants' Union has had success in receiving funding from the Department of Fair Trading for a research project aimed at providing input to the Share Housing issue. Share Housing has, and continues to be a major issue that remains unresolved under the current legislative framework. The issues are complex, and relate to the status of a tenant under the Residential Tenancies Act. This status remains undefined until a tribunal determines the matter. Other 'grey areas' also exist, such as rent receipts, bonds and assignment issues.

The project will build on the good work of the Western Sydney Tenants Service, the Sydney University Students' Representative Council and Redfern Legal Centre, and will provide recommendations for legislative reform to the Department.

Though initially planned as a six-month project, the Department has asked us to compress the time-frame for the project to three months to fit in with its review of all of the Department's legislation prompted by the national competition policy agenda. ■

Tenants Advice and Advocacy Services receives funding boost

The Tenants Advice and Advocacy Services (TAAS) has received a much needed boost in funding for their program with the Minister for Fair Trading, Faye Lo Po, announcing additional staffing and resources for the program for the 1997-2000 funding period.

The additional funding came out of recommendations recently made by the TAAS Evaluation in February 1997 undertaken by independent consultant Greg Masters. The evaluation concluded that the Tenants Advice and Advocacy Program had proved to be extremely successful and had the foundations for further development.

The Tenants' Union, which is funded as the Coordinating Body for the Program, has received additional funding to employ a legal support officer for the services. This position will provide legal advice back up to the TAAS workers across NSW.

Regional services with large geographical catchment areas have received additional travel and communication funds.

Additional hours for the employment of workers was also allocated to the North Coast service, the Western NSW service and the four specialist Aboriginal services.

Tenants' Union and TAAS Coordinator Francesca Crittle (who is the Tenants' Union's representative on the TAAS Evaluation

Advisory Committee), stated that she was heartened by the boost in funding but believed that the increases to the program could have gone further as the Evaluation indicated that demand for services is increasing each week. This demand on services is threatening to limit the amount of community education provision in services—a component of all service's strategies that has proved to be particularly useful in strengthening the community's awareness of tenants' rights.

Consequently the Tenants' Union has presented proposals to the Rental Bond Board (RBB), to fund the program from the interest on tenants' bonds.

The process has not been easy considering the conflicting points of view of those sitting as delegates on the board—the Real Estate Institute, the Department of Fair Trading, the Office of Housing Policy and Treasury.

Ms Crittle, in her presentation to the Board, said that "this is an opportunity to use these funds in the most relevant and appropriate manner. Increasing the funding to TAAS will help consolidate what is already a unique program; in that it is applied to whom it is intended to assist—tenants."

The Tenants' Union proposals to the RBB on behalf of the TAAS Network include increasing funding for additional staff plus proposals for other resourcing to assist (continued on page 12)

FREE ADVICE FOR TENANTS

The Tenant's Advice Service has helped
20,000 people with free, confidential
advice including:

- disputes with your landlord
- getting repairs done
- being evicted
- bond money

For the service nearest you including
Aboriginal Services phone free call:

1800 655 186

There's someone on your side

State-wide PR campaign

The Department of Fair Trading provided funds for a campaign to advertise the TAAS services. This has been used to run advertisements in regional, ethnic and Koori press and in the *Sydney Morning Herald's* 'For Rent' section as well as a radio campaign on 2MMM. The ads have been supported by a large-scale media and PR campaign, which began with a media launch at Sydney Town Hall. Media kits with editorial material and community service announcements have been sent to all radio stations and newspapers in NSW. Coverage to date has been excellent, especially in the metropolitan and Central Coast regions.

National Shelter Takes A Blow

The Department for Social Security has defunded National Shelter. The Tenants' Union has benefited greatly from a collaborative relationship with National Shelter, the recognised housing peak organisation in Australia. National Shelter has resourced the National Association of Tenant Organisations, incorporated our policy input into submissions at a national level and funded our representation at National Council meetings.

During the past 23 years National Shelter has:

- kept the community sector informed regarding changes to housing assistance in Australia,
- produced a regular journal on housing issues,
- maintained a national focus on housing through its State networks,
- facilitated and cultivated rigorous debate on housing issues,
- disseminated information,
- assisted in making the Commonwealth Governments and Commonwealth Departments accountable,
- convened National forums,
- produced and submitted numerous submissions and provided input to Government on a variety of housing related issues,
- consulted widely in relation to its policy development work and
- consistently advocated for the housing needs of low-income people.

The Minister for Social Security, Jocelyn Newman, stated that defunding National Shelter was related to a "duplication" in function with the Australian Council for Social Services, a duplication which ACOSS has publicly denied.

National Shelter has over the past 23 years consistently advocated for appropriate, affordable and secure housing for low-income groups. National Shelter's point of view has over this time often conflicted with that of that of government, whether it be Liberal or Labor. National Shelter has been vocal in its opposition to the now defunct "Housing Reform Agenda" and the Tenants' Union believes this is the real reason for defunding. This move will effectively silence much of the debate and discussion of the housing responsibilities of the Commonwealth government at a time when there seems to be a lack of commitment to the housing needs of low-income people. ■



The Minister of Fair Trading, Faye Lo Po, and Francesca Crittle listen in to Kieran Fitzpatrick at the Tenants' Union media launch.

Launch Success!

The second issue of the *Tenants Rights Manual* and the *Tenants Advice Service Advertising Campaign* were officially launched by the Minister for Fair Trading, Faye Lo Po, at a function at the Sydney Town Hall in late August. Over 200 guests and journalists attended the launch and were provided with speeches from the Minister and Kieran Fitzpatrick, representing the Human Rights Commissioner, Chris Sidoti. The Minister spoke enthusiastically about both the new service and the *Tenants Rights Manual*. The Commissioner pointed out that adequate housing must exist as a fundamental human right and implored landlords to 'do the right thing' during the Olympics and not evict tenants in order to obtain quick profits.

All major television news programs ran stories on the launch, and the new *Tenants Advice Service* 1800 number was broadcast on many radio stations including 2DAY-FM, 2MMM, 2BL, 2GB and 2UE. Since the launch of the 1800 line, the service had received calls from tenants seeking tenancy advice each day.

Here is an edited version of the speech provided by the Commissioner:

"Adequate housing is a fundamental human right. The Human Rights and Equal Opportunity Commission has consistently supported policies and programs to ensure this right is respected. The United Nations Charter itself reflects the broad nature of human rights in its preamble which calls upon all nations 'to promote social progress and better standards of life in larger freedom'.

Without a right to housing, many other basic human rights will be compromised including the right to family life and privacy, the right to freedom of movement, the right to health, the right to development and the right to assembly and association. The right to housing also has particular significance for children. Because of their vulnerability they have special needs for care and protection. Without decent secure accommodation

children are unlikely to realise their right to grow and develop in an atmosphere of moral and material security, free from abuse and neglect. The right to housing is clearly supported by international law,

"I would ask landlords to 'do the right thing' by their tenants and not unfairly evict them for short-term higher rents during the Sydney 2000 Olympics."

indeed at the very foundation of the international human rights system in the Universal Declaration of Human Rights. This Declaration, adopted by the United Nations in 1948, establishes the right of every human being to an adequate standard of living,

including housing, and was reaffirmed by the international community at the World Conference on Human Rights in Vienna in 1993.

So there is clearly and unambiguously a right to housing. Unfortunately turning rights into realities is



David Ramsay of the Tenants' Union fields questions after the launch.

difficult. Human rights are binding obligations but for many rights, such as the right to housing, compliance depends on resources. The human right to adequate housing does not require the State to build housing for the entire population or to provide housing free of charge. In relation to highly disadvantaged groups however, public housing remains one of the few effective ways of guaranteeing the right to live in peace and security. There remains considerable room for improvement in Australia's overall performance on the right to housing. Our

"I believe that the Tenants Rights Manual is an important and practical contribution in the progressive achievement of the right to housing in Australia."

shortcomings are particularly evident when we look at the experiences of our homeless children, people with disabilities, indigenous peoples and generally those living in poverty.

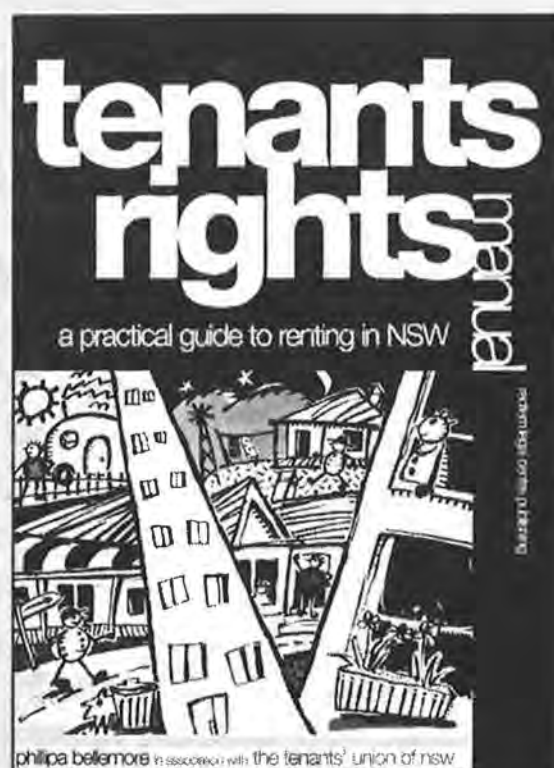
If there is one commitment the country must make to social justice then it is that no Australian will be deprived of the basics of survival. If there is any



TU co-ordinator Fran Crittle MC's the launch.

consensus about the future of this country, then it must be that all people have enough to eat, safe water to drink and somewhere to live. With so many Australians homeless or in inadequate accommodation, the right to housing challenges our governments and our communities. The denial of the right to housing affects the fulfilment of many human rights, such as the right privacy, education and health. The right to housing therefore requires a comprehensive response that fosters and develops close partnerships between all levels of government

continued on page 14



Now available directly from the Tenants' Union, Redfern Legal Centre Publishing and good bookshops, the second edition of the *Tenants Rights Manual* is bigger (over 300 pages) and better than ever, with up-to-date information on all tenancy matters—including starting a tenancy, problems during a tenancy, dispute resolution at the Residential Tenancies Tribunal, special groups of tenants and specialist areas such as domestic violence and tenancy law. It has lots of practical advice with over 30 sample letters, forms and a full listing of contact points for further help. Written in plain English by Phillippa Bellemore in association with the Tenants' Union, this book is the perfect resource for both tenants and tenancy advisers.

What is access and equity?

by Zanne Landles: Access Officer Tenant's Union of NSW

Some background information

The Access and Equity Strategy began in 1986. Access and Equity is part of the Commonwealth Social Justice Strategy and a primary focus of the National Agenda for a Multicultural Australia.

In 1989, Aboriginals and Torres Strait Islanders were included and the strategy was extended to encompass all residents of Australia irrespective of their race, culture, religion or language spoken.

Objectives of Access and Equity

Access and Equity rests on the following Principles and Objectives:

Access: (to services) is concerned with eligibility, knowledge of the services, and physical and financial access. Put simply, access is concerned with all people (who meet the criteria for service) having the opportunity to use the service.

Equity: (of outcomes from the service) is concerned with the design and delivery of service in such a way that they redress any inequalities or disadvantages a client, or potential client, may have in accessing the service and receiving culturally appropriate service provision.

Equality: (within service provision) is concerned with equal rights in civil and legal matters; and

Participation: (within service provision, management and planning) is concerned with affording to all the opportunity to participate in personal development, community life and decision making.

Legislative framework

Access and Equity, as mentioned above, are those aspects of the Commonwealth Social Justice Strategy which are designed to ensure that all members of the community gain access to government programs; obtain equitable outcomes from these programs; and receive a service which affirms respect for human dignity and individuality and enhances independence. The package of rights expressed in this

Commonwealth initiative however, did not just simply fall from the sky. They are part of the broader and ongoing universal endeavour for Human Rights. Therefore, rights that are encapsulated in Access and Equity, are based on international covenants, to which Australia is a signatory.

Furthermore, the policy of Access and Equity is surrounded by a range of important legislation which enshrine peoples rights to be treated fairly. These specific pieces of legislation also encompass the principles of Human Rights as articulated under the United Nations Declaration of Human Rights (1948) and under this charter to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

***"Access: equity of opportunity
to services and benefits.
Equity: fairness in the
distribution of resources.
Appropriateness: relevance
and sensitivity of the service."***

The particular Federal and State laws that relate directly to Access and Equity are the Commonwealth Racial Discrimination Act (1975), the Commonwealth Racial Hatred Act (1995) (an extension of the Racial Discrimination Act) and the NSW Anti Discrimination Act (1977), the Commonwealth Disability Discrimination Act (1992), the NSW Disabilities Services Act (1993), Commonwealth Sex Discrimination Act (1984), the Commonwealth Privacy Act (1988), NSW Community Services (Complaints Appeals and Monitoring Act) (1993).

This legislation has a direct impact on the management, design and delivery of services to the community. For example, the Commonwealth Disability Discrimination Act (1992) and the NSW Disabilities Services Act (1993) impacts on the quality, design and delivery of government funded services to members of the community with disabilities.

People with disabilities

The Disability Discrimination Act (1992): The Commonwealth Disability Discrimination Act

was passed in 1992 with the aim of stopping discrimination against people who have a disability, their carers and associates. The Act provides people with an opportunity to use the law to respond to unfair treatment because of disability. A requirement of the Act is that organisations that provide services to the community develop an Action Plan which will assist those organisations to conform with the Act. Since 1992 the definition of disability has been substantially widened:

'The DDA is very comprehensive and covers physical, intellectual, psychiatric, sensory, neurological, episodic, and learning disabilities. It also covers disabilities caused by disease, and within this definition, offers protection to those with Aids or the HIV virus. The Act covers not only those people who do have a disability, but also those who are perceived to have a disability. It covers discrimination against a person who uses a device, such as a wheelchair or a hearing aid. Under the Disability Discrimination Act 1992, complaints may be made by a person with a disability who has been directly affected by discrimination, or by a person or organisation acting on his/her behalf. The Disability Commissioner will also be empowered to investigate areas of discrimination even if no formal complaints have been lodged; so an issue such as a culturally inappropriate service could well be examined by the Commissioner.'

The NSW Disability Services Act (1993)

Under Section 9 of the NSW Disability Services Act (1993) it is a requirement of NSW government agencies and a responsibility of NSW government Ministers, to ensure that their Departments develop and implement Action Plans—referred to as Section 9 Plans. These Plans are to evaluate the progress towards Access and Equity for the various NSW government Departments, and by extension the community-based services and programs funded by government sources, and to monitor outcomes.

Further, the principles of Multiculturalism along with the NSW Charter of Principles for a Culturally Diverse Society (1993) provide a framework for access for Australians of all cultural backgrounds.

The charter was developed by the NSW Government to guide all government activity and will be reflected in policies and activities and in dealings with the non-government sector.

Principle 3. States:

'All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided and/or administered by NSW government institutions.'

Access to services and programs

It is clear that under the principle of Access and Equity, government funded services and programs should be available to all Australians who meet the eligibility criteria for service, without discrimination on the grounds of such factors as gender, sexual preference, marital status, religion, type and level of disability.

It needs to be acknowledged therefore, that some members of the community find it more difficult to access services due to such factors as location, physical, socio-economic, cultural, linguistic barriers, lack of relevant information and other disadvantaging factors and consequently require more assistance and

"Access and Equity must be integral to the service not just a supplementary activity."

support to do so. Therefore, service providers need to ensure that services are provided in such a way as to encourage their use by all members of the client group on an equitable basis.

Government funding bodies have identified particular groups in our society that may require additional help and support to be in a position to access services, to receive a service that is appropriate to their particular needs, and to receive equitable outcomes from those services. These identified 'special needs groups' include:

- people from a non-English speaking background;
- people from Aboriginal and Torres Strait Islander background;
- people with disabilities;
- frail aged people.

Access and Equity and management practices

Responsive management practices are a high priority under Access and Equity. Access and Equity and human rights considerations are making government organisations more aware

of their responsibilities to groups such as people from NESB and people with disabilities. Accordingly, through the Access and Equity Strategy the government aims to have managers, including community based managers, review their management practices and identify, adapt, design and deliver services that reflect the needs, characteristics and circumstances of their intended clients and provide equal access and entitlement to those people, to meet the needs of our multicultural society.

With respect to this, it is important to note that access to services, and equity within service provision, has two distinct yet interrelated aspects. One relates to working with the community and would include, for example, community education/development, information/resourcing, networking, assisting, supporting, promoting and advocating in a manner that is appropriate to identified need. This may involve translated material, face to

'By designing and delivering services in a manner that makes them accessible fairly, to all Australians, regardless of ethnicity, racial grouping or disability, fairness and efficiency is encouraged and equity promoted'.

Adapted from: the Access and Equity Unit of the Department of Community Services and Health, DACA conference paper 1990.

face interpreters, telephone interpreters and accessing specialist advocates. It may also involve being aware of the individual's cultural specifics, or particulars which relate to disability when delivering the service so that the support/assistance provided is relevant to the individual.

Access and Equity, however, also implies structural change within the service itself. Ideally, the service evolves over time to a position whereby all aspects of the service, including service delivery models, are adapted and modified to become more culturally and linguistically appropriate and responsive to

identified need. The service needs to look at the barriers to accessibility, including physical barriers, and develop strategies to overcome these impediments. Staff members and management are required to become more aware of the need to practice Access and Equity in the day-to-day activities of the service. Generally, the service needs to become more responsive to the needs of some of the more vulnerable people in our society—people who experience the doubly disadvantaging factors of being both from a non-English speaking background and having a disability would clearly fit this category.

Significantly, the concept of participation is implicit in the practice of Access and Equity. This clearly relates to the extent to which people from the 'special needs groups' can become participants in society as distinct from being either observers or excluded outsiders.

Ideally, Access and Equity has a fundamental role in the organisation, implicit in everything it does—planning, budgeting, staff development and training, roles and responsibilities of management and staff, policies, management and staff recruitment, data collection, mission statements, evaluation and monitoring, position papers, submissions, responses to government policy and law reform, as well as modification of premises and making 'reasonable adjustment' to the work spaces for disability access.

This calls for culturally inclusive organisational strategies leading to equitable access to services and consultative processes for all community groups as a matter of course.

The main focus for managers therefore is that Access and Equity becomes integral to the service rather than just an add-on, supplementary activity. ■

continued from page 6
the program.

Apart from the enhancements announced at Budget time, the Tenants' Union has so far been successful in obtaining approval from the RBB for additional funding for a full-time Systems Administrator for the TAAS Network, the funding of a Share Housing Research project and funds for the Tenants' Union to have their Tenancy Law training accredited with VETAB.

The Rental Bond Board is still considering the other TAAS staffing proposals. ■

Legal Aid win benefits tenants

Source: New Verbal, Legal Aid NSW

In the landmark case of RTA-v-Swain, the Court of Appeal recently delivered a decision that represents a victory to all residential tenants in NSW.

In dismissing the landlord's appeal, the three judges (Priestley, Meagher and Cole JJA) unanimously held that a landlord has no absolute right to end a tenancy. They stated that the Residential Tenancies Act is 'intended to balance the rights of landlords and tenants' and that the Residential Tenancies Tribunal must always 'consider the circumstances of the case', including the hardship that would result to the tenant, before making any order terminating a tenancy.

The break-through for NSW tenants began with Legal Aid's successful conduct of the tenant's Supreme Court appeal against a decision of the Residential Tenancies Tribunal. Rolfe J, in finding for the tenant, held that the Tribunal must 'consider the circumstances of the case' before terminating a tenancy. Until that Supreme Court decision, the Tribunal was bound to follow two earlier Supreme Court single-judge decisions.

The earlier decisions tied the Tribunal to an

interpretation of the Act which gave no option but to terminate a continuing tenancy where a 60-day notice of termination was properly drawn and served. The Swain Supreme Court decision had an enormous impact on the Tribunal.

It gave Tribunal members an alternative interpretation of the Act, and most members preferred to follow the decision, despite the fact that it was awaiting Court of Appeal determination.

The Court of Appeal decision secures significant tenants' rights. Now the Tribunal must give the tenant's circumstances due consideration and can refuse to terminate a tenancy where the need of the tenant to remain in the premises outweighs that of the landlord to recover possession.

The Supreme Court and Court of Appeal cases, which were conducted by Lynne Wilkins of the Civil Litigation Section's specialist housing law unit briefing Jane Needham of Counsel, highlight the need for the continuing availability of legal aid in an area of law that concerns such a fundamental human right. ■

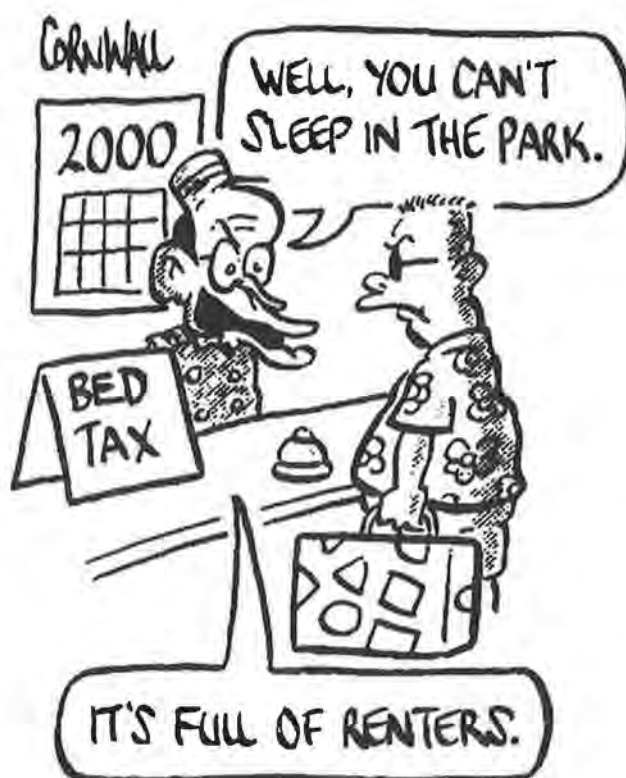
New Tribunal Bill

Source: PIAC Bulletin July 8 1997

The Administrative Decisions Tribunal (ADT) Bill was introduced into parliament in May. The Tenants' Union and other tenancy services had input into a submission prepared by NSW Community Legal Centre (CLC). Amongst other things, the CLC submission argued that rights of review should be extended to areas such as public housing appeals.

Currently the Residential Tenancies Tribunal's (RTT's) decisions will not fall under the jurisdiction of the ADT.

The ADT Bill provides for the new Tribunal to take over appeals to the courts in areas including Freedom of Information, taxing and licensing decisions. It will also replace the Community Services Appeals Tribunal and the Equal Opportunity Tribunal which will become special divisions of the ADT. ■



More legal victories in the Courts

The Supreme Court of NSW has recently found that the Residential Tenancies Tribunal can award compensation for "non-economic losses" (RTT of NSW vs-Offe). While previously there was some mixed opinion, the general consensus amongst Tribunal members was that applicants could only claim compensation for actual losses incurred.

This remedy is available to both landlords and tenants. What the decision of Offe means for tenants is that in circumstances where the landlord has breached the tenant's quiet enjoyment (for example an illegal lock out) then the tenant can apply to the Tribunal for compensation for any physical inconvenience, discomfort, or mental distress they have suffered as a result of the breach. Compensation for these non-economic losses would probably only be awarded in more extreme circumstances and applicants would need to provide sufficient evidence to establish their claim.

RTA covers defence housing

Residential Tenancies Tribunal and Henderson and Anor; Ex Parte the Defence Housing Authority.

On the 12 August 1997 the High Court of Australia handed down the decision of "Henderson". The Commonwealth Defence Housing Authority commenced proceedings in the High Court for an order that the Authority was not bound by the Residential Tenancies Act 1987 NSW. In essence the High Court found the Commonwealth was bound by the state law.

This means that all tenants of the Defence Housing Authority in NSW including private tenants are covered by the Residential Tenancies Act and have recourse to the Residential Tenancies Tribunal. ■

(continued from page 9)

and the community sector.

It is with this spirit of partnership and co-operation in mind that we need to look at the protection of tenants in Sydney over the Olympic period. Evidence from other events in Australia and overseas indicates that the upward pressure on rents in the Olympic period is likely to lead to an increase in the eviction of tenants and I would ask landlords to 'do the right thing' by their tenants and not unfairly evict them for short-term higher rents during the Sydney 2000 Olympics. I would ask landlords to recognise the enormous disadvantage and social dislocation that would occur for those tenants that are forced to move because of Olympic related rent increases and evictions. This is one area in which the Tenants' Union has already indicated that they will be actively working to promote the rights of tenants.

The Tenants' Union has responded to the challenges posed by the right to housing by producing the *Tenants Rights Manual*. The author of the manual, Phillipa Bellemore, must be congratulated for producing an invaluable resource of practical information and advice on tenants rights and responsibilities in a plain English style which is easy to read and use. In addition, thanks must go to the Law Foundation of NSW for their continued financial support for the production of the manual. The manual aims to ensure that the rights of tenants are easy to understand and easier to achieve. The manual provides practical advice and solutions for common problems that tenants may experience during a tenancy. It also provides information about issues faced by special groups of tenants, for example, public tenants, tenants living in strata scheme premises, caravan parks and community housing, boarders and lodgers, and protected tenants. Finally, the manual provides information on useful contacts and resources where tenants can seek further details and advice.

It is a great 'empowering' document in that it encourages individual tenants to both know their rights and know how to protect them. It allows individuals to do more for themselves.

Clearly, governments also must do more and society itself must do more to end violations of housing rights, to protect the weakest and most vulnerable among us, to ensure the basic necessities of life and livelihood for all and do more to find and grasp the most effective means of guaranteeing an adequate place in which people can live in peace, security and dignity.

I commend the Tenants' Union of NSW for their commitment to this process. I believe that the *Tenants Rights Manual* is an important and practical contribution in the progressive achievement of the right to housing in Australia. ■

NSW TENANTS ADVICE AND ADVOCACY SERVICES

**TENANTS
ADVICE**
AND ADVOCACY
SERVICE

Regional Services

Inner Sydney

Redfern Legal Centre
73 Pitt St Redfern 2016
Fax: (02) 9310 3586

Ph: (02) 9698 5975

Inner Western Sydney

Marrickville Legal Centre
338 Illawarra Rd Marrickville 2204
Fax: (02) 9558 5213

Ph: (02) 9559 2899

Southern Sydney TAAS

PO Box 503 Campsie 2194
Fax: (02) 9718 0236

Ph: (02) 9787 4679

South West Sydney

South West Tenants Advice
PO Box 1042 Liverpool 2170
Freecall: (1800) 631 993
Fax: (02) 9822 4076

Ph: (02) 9601 6577

Eastern Suburbs Tenants Service

Level 1, The Old Boot Factory
27 Spring St Bondi Junction 2022
Fax: (02) 9389 9824

Ph: (02) 9386 9147

Western Sydney Tenants' Service

PO Box H86 Harris Park 2150
Freecall: (1800) 625 956
Fax: (02) 9635 8548

Ph: (02) 9891 6377

Northern Sydney

Northern Area Tenants Service
16-18 Fitzroy St Kirribilli 2061
Fax: (02) 9959 4453

Ph: (02) 9964 9654

Central Coast TAAS

PO Box 293 Wuyong 2259 NSW
Fax: (043) 53 5525

Ph: (043) 53 5515

Hunter TAAS

PO Box 84 Newcastle 2300
Freecall: (1800) 654 504
Fax: (049) 29 7996

Ph: (049) 29 6903

North Coast TAAS

PO Box 525 Lismore 2480
Freecall: (1800) 649 135
Fax: (066) 22 3141

Ph: (066) 22 3317

Illawarra/South Coast

Illawarra Legal Centre
PO Box 139 Warrawang 2502
Freecall: (1800) 807 225
Fax: (042) 74 3491

Ph: (042) 74 3475

Western NSW

Western Region TAAS
PO Box 1409 Orange 2800
Freecall: (1800) 642 609
Fax: (063) 62 2933

Ph: (1800) 642 609

Aboriginal Services

Western NSW

Gunya Aboriginal Tenants Service
PO Box 435 Dubbo 2830
Freecall: (1800) 810 233
Fax: (068) 84 8218

Ph: (068) 84 8211

Southern NSW Aboriginal TAAS

PO Box 1138 Batemans Bay 2536
Freecall: (1800) 672 185
Fax: (044) 72 6487

Ph: (044) 72 9363

Northern NSW Aboriginal TAAS

PO Box 1075 Grafton 2460
Freecall: (1800) 248 913
Fax: (066) 43 3829

Ph: (066) 43 4426

Associated services

Aged Tenants Service &

Caravan Park Resourcing Service

Combined Pensioners and
Superannuants Association
Level 11/35 York St Sydney 2000
Freecall: (1800) 451 488
Fax: (02) 9262 6120
Phone advice: Mon-Fri 9-5

Ph: (02) 9262 6722

Resourcing Services

TAAP Resourcing Body

Tenants' Union of NSW
68 Bettington St Millers Point 2000
Fax: (02) 9252 1648

Ph: (02) 9247 3813

Caravan Parks Resource Service

See Associated Services

Ph: (02) 9262 6722

Aboriginal TAAP Resourcing Service

88 Regent Street Redfern 2016
Fax: (02) 9690 0021

Ph: (02) 9690 0020

**Tenants'
Union Hotline**
Ph: (02) 9251 6590

**Phone advice:
Mon-Fri 9.30am-1pm
and 2-5pm**

YES I want to join the Tenants' Union of NSW

Name

Address

.....Postcode

Telephone [h][w]

First language

Please tick

☐ New membership ☐ Renewal

Are you a: ☐ Tenant ☐ Home Owner

☐ Other [specify].....

FEES

Membership runs from 1 January to 31 December. New members can pay half fees after 30 June. New membership fee includes cost of share[s].

YEARLY FEE

Tick the fee that applies

No (or low) wage/pension/benefit \$8

Waged worker \$15

Organisations \$30

Donation \$

I enclose \$

Signature

Date

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

OFFICE USE ONLY

Service FeeShares

Donation

Receipt No.....Membership No.....



**Get a new lease on life
- join the
Tenants' Union!**

IF UNDELIVERABLE PLEASE RETURN TO:

**TENANTS' UNION OF NSW
68 BETTINGTON STREET
MILLERS POINT NSW 2000**

**PRINT POST APPROVED
PP 239 337 / 00010**

**SURFACE
MAIL**

POSTAGE PAID

IN AUSTRALIA

IN AUSTRALIA

POSTAGE PAID