

Tenant NEWS

Free newspaper of the Tenants Union of NSW

Issue 68 April 2001

Developers Smash Pottery Estate

by Robert Mowbray
with Carol Hannaford

Evictions on the Pottery Estate, Lithgow

Just a stone's throw from the heart of Lithgow, is the historic Pottery Estate. Today it is the centre of a battle between a developer, local council and residents. It is the story of working people who now feel increasingly alienated by the major players. Once, such people were seen as the backbone of industrial towns like Lithgow.



Today it is the centre of a battle between a developer, local council and residents.

The Lithgow Valley Colliery Company and its successors owned the Pottery Estate from 1872 to May 2000. At the beginning of last century the miners were allowed to build houses scattered across the estate. These houses were passed down through a number of generations or have been bought from previous occupants. The current residents own their houses but pay ground rent. This is very unusual in Australia and gives rise to a complex legal situation. In May 2000 a local developer called Ceedive bought the site and their intention appears to be to evict a number of the residents.

A number of the cottages on the estate may also have heritage value.

Environmental and heritage issues also complicate the story with the National Parks and Wildlife Service confirming the existence of the rare and endangered Bathurst Copper Butterfly at two sites on the Pottery Estate. A number of the cottages on the estate may also have heritage value. Many of these dwellings are un-serviced – there is no sewerage, no kerbing nor guttering and no sealed roads. Until February of this year, a number of the houses on the estate still

had a pan collection service for their toilet. The local council, Greater Lithgow City Council, recently withdrew this service, which could have the consequences of forcing the eviction of the affected residents.

Many of the residents have lived on the estate for many years with some families being 3rd generation in their houses. Some residents do not want to move while others are prepared to move if they obtain reasonable compensation. Many are aged and in receipt of social security and have nowhere else to go.

One of the residents contacted the Tenants Advice and Advocacy Service in Orange, as Lithgow falls within their catchment area. As the office in Orange was unable to take on the case, they referred the residents to UnitingCare Western Sydney Tenants Service (WESTS) whose area includes Blue Mountains. Robert Mowbray

from WESTS took on their cause. He facilitated the formation of a residents group to clarify their legal position, protect their interests and fight the evictions. The 2% for Development Fund of UnitingCare NSW.ACT approved a grant allowing Blue Mountains Community Legal Centre to employ a support worker for one day each week to help resource the residents in their struggle.

WESTS sought clarification of the legal issues from the Housing Unit of the Legal Aid Commission of New South Wales who produced a report acknowledging the rights of the residents were complex and unclear. In October 2000 the residents engaged a solicitor and the Legal Aid Commission funded a barrister to provide advice on their legal options. The residents are considering all options open to them, legal and non-legal. To date it has been a prolonged struggle which remains unresolved for the majority of residents. Extreme pressure is being exerted on them, not only by the developer but also by Greater Lithgow City Council.

At the time of purchase the developer took out a mortgage over the land and houses, which apparently included those owned by the current residents. In the middle of last year Greater Lithgow City Council granted approval for a residential sub-division on the estate. Council is currently considering a development for an Aldi supermarket being built on another part of the estate.

The local Labor State Member of Parliament, Gerard Martin, was the previous Property Manager for the mining company when the company was organising the sale of the estate. He was also the Mayor of Greater Lithgow City Council at the time. Written undertakings by him in his role as property manager were never honoured by the mining company or the developer. These undertakings included: sewerage being made available to existing dwellings that met council building standards, the current residents being given first option to purchase the land on which their houses stood and roads being progressively sealed, kerbed and guttered.

"...Lithgow City Council is meant to be Labor-leaning, but consistently appears to take the side of the developer."



Robert Mowbray maintains that the Greater Lithgow City Council is meant to be Labor-leaning, but consistently appears to take the side of the developer. He suggests this may be because they see the need

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Aims of the Tenants Union

The Tenants Union aims to represent the interests of tenants in NSW, both private and public, including boarders and lodgers and residential parks by:

- raising awareness about tenants' problems and rights
- providing high quality advocacy and advice to tenants
- lobbying for improvements in residential tenancy laws
- promoting secure and appropriate housing solutions
- supporting, training and resourcing local, independent statewide tenants advice services

The Tenants Union has been active in promoting the rights of more than 1.5 million tenants in NSW since its formation in 1976.

Over this time we have advocated to government, developed policies for law reform and campaigned for more just and equitable laws to cover renting in NSW. We have also produced numerous resources that provide information to tenants about their rights and tenancy law in NSW.



From Page 1...

for new industry in towns like Lithgow – a town that has just lost an aluminium smelter to a Queensland town. Regardless, he says 'Working people are now being sacrificed in the name of development'.

Confrontation

The resistance to eviction by the residents has on one occasion led to confrontation and a tense standoff. A number of the houses on the estate have been subject to proposed demolition orders at some time. The house owned by John (not his real name) and the garage owned by Bev, (not her real name) were subject to demolition orders. However, service of the demolition order on John was defective after being served on the wrong party, and no demolition order was actually ever served on Bev.

A confrontation occurred at John's house on Friday, 3 November 2000 after a neighbour overheard a CB radio conversation between Integral Energy workers and their base the previous afternoon. The neighbour evidently heard the name of the landlord and it transpired that the landlord had requested disconnection of the electricity because she intended demolishing John's house the following day.

In this instance, John – not the landlord – was the customer of Integral Energy and John had never given them any authority to cut off his power. Even so the Integral Energy workers went to the premises to disconnect the electricity and remove the power box. Fortunately for John, they went the wrong house and the neighbour overheard their call back to base. He relayed this information to John.

...the developer went to her place and demolished the garage.

The residents and their advocates sprung into action. Robert Mowbray lobbied the Minister for Urban Affairs and Planning, the solicitor initiated action in the Land and Environment Court, and the residents rallied to support John, with extensive media coverage. The combined efforts stopped the demolition of John's house. Bev was not so lucky. While she joined other residents in lending support to John, the developer went to her place and demolished the garage. Although the developer may have committed a number of offences, the police refused to prosecute, claiming that it was a civil dispute. In December Greater Lithgow City Council recommenced procedures requiring the demolition of John's house and stepped up pressure on the residents over the pan service.

Sanitation Discontinued

Greater Lithgow City Council advised residents of its intention to discontinue a pan service to a number of houses after 31 December 2000. This had immediate consequences for around 7 households on the Pottery Estate and would cause them considerable hardship. The developer sent letters to a number of residents stating that 'no other options will be available' and 'we require your house to be removed from its present siting on our land in the Pottery Estate prior to the 31-12-2000'. In order to comply with council regulations the residents would have to spend large amounts of money in making alternative arrangements, which would be then wasted if they were required to leave their houses in the future.

At a meeting on 18 December 2000 and in response to residents lobbying against discontinuation of the pan service, Greater Lithgow City Council resolved to provide funding

for mediation between the developer and the affected residents. While they may have funded the mediation, we believe Council was not a neutral party and given its management of the mediation process, appeared to have a long-term agenda of ridding itself of many of the houses on the Pottery Estate. WESTS wrote to Council on behalf of the residents indicating they were happy to attend mediation, and suggested a process for this. However, Council then went ahead and organised its own mediation, and dictated the terms of the residents' attendance; Western Sydney Tenants' Service was not to participate and no legal representative of the residents was able to attend or be on council premises.

Mediation

Despite this unfair situation, residents felt bound to attend the mediation, even though they were very concerned about the power imbalance. The mediation was held with Council intent on discontinuing the pan service, but indicating that the service might be extended subject to what happened at the mediation. 'I think the mediation organised by Council was a travesty of justice' said Robert Mowbray.

In February 2001 after Council discontinued the pan service, WESTS supplied one of the residents with a Porta-Potti, as an interim measure. In early March 2001 the Council served letters on two residents stating that their use of a chemical commode and the transporting of human waste was without any prior approvals. The letter also stated that Council believed that this situation constituted a threat to the health of the occupant and to the public. The letter from Council went on to say that it was Council's intention to serve an order on the affected residents under the Local Government Act 1993, requiring the residents to cease utilising the chemical commode for human waste disposal immediately.

Robert Mowbray states 'It appears that Council's action amounts to an attempt to evict residents who have lost the pan service. Council is wittingly or unwittingly playing into the hands of the developer'. He added 'The issue of cessation of the pan service should have been delayed until residents had certainty about their future. Council was aware that the residents' legal situation was complex, that they had an arguable case to remain on the land, and that they had obtained legal advice about their situation. Council had an obligation to give their



The remains of Bev's garage

interests considerable weight when making its decision to discontinue the pan service. Yet Council was intent on pushing ahead with discontinuation of the pan service.'

Meanwhile the residents struggle for a just outcome and Western Sydney Tenants' Service and Blue Mountains Community Legal Centre continue to support the residents. Tenant News will follow up on this case in the August issue.



Tenant Databases

Collecting Tenants' Names for Profit



Nicholas Warren

Do you keep getting knocked back for houses and flats? What is going on? Is it a measure of how tight the rental market is? Is it the way you dress, or the colour of your hair? Or are you another victim of tenancy databases?

If your name has been put on a tenancy database in New South Wales, your next home could be dosing down on a friend's floor or the back seat of your car.

Tenancy databases developed during the 1990s because:

- Real Estate Agents lost access to credit reporting agencies with the introduction of the Commonwealth Privacy (Amendment) Act 1990
- Individual landlords have readily accepted industry myth-making about the level of risk in a well-managed property investment.
- In the absence of regulation, information about individual tenants can be easily commercialised and traded for profit.

While accurate information is notoriously difficult to get from these database services, their own claims indicate that up to 500,000 names are listed as 'bad tenants'.

Landlord Risk

The level of myth-making about investor risk and the level of over-collection of personal information, is clear in the mismatch between the astronomical numbers of listed tenants and the real level of disputes through Residential Tribunals and other research.

There are many times more tenants with adverse listings than could be expected from other evidence of the incidence of serious tenancy problems.

There were just over 520,000 bonds lodged in NSW at December 2000

- Research for the department of Fair trading; "Fair Trading Issues in the Rental Property Market" 1998, by Keys Young, indicated 27,5000 landlords and 12,500 tenants experience a 'significant problem' each year.
- The residential Tribunal received 46,000 applications in the year to June 2000, of which 83% were on behalf of landlords.
- 82% of all applications ('99-2000) were settled at conciliation, or with just one hearing. (*Residential Tribunal Annual Report 1999 - 2000*)

Although these figures give a clearer measure of the real rate of tenancy disputes, they still overestimate any need for protection to landlords via tenancy databases. This is because **most orders against tenants, are complied with.** It is harder to get ordered monies from a landlord than from a tenant because unlike tenants landlords post no bond.

There is no objective evidence of significant levels of default by tenants or of losses sustained by landlords.

What the figures above do demonstrate, is that landlords have **more** than equitable access to the Residential Tribunal and that the vast majority of problems are easily resolved, by consent or by order. Database listing is unlikely to be justified in more than a small minority of cases a year - nothing like the hundreds of thousands currently adversely listed.

Database Practices

The criteria for provision of information to a tenancy database is often:

- non-specific: based on some nebulous concept of a 'bad tenant',
- tolerant of listing for trivial or malicious reasons and
- given completely at the discretion of the landlord or real estate agent.

This total discretion allowed to the landlord / estate agent, provides too much scope for inconsistency and inaccuracy at least and abuse, victimisation and discrimination at worst.

John Hill, President of REI NSW, has said publicly (2BL Radio - 25/5/2000) that a tenant who withheld this permission for sharing of personal information, would not be likely to get a tenancy in NSW.

Distortion of the intent of regulation is evident in the way the requirement to notify people of their listing on a database, is used. Our experience is that notifications rarely actually happen and where they do, it is most often used as another opportunity to threaten tenants and to reinforce the preexisting imbalance in power between tenants and landlords.

One such letter was recently found by the ACCC to be a breach of Trades Practices legislation because of its misleading and coercive nature.

These letters often threaten to involve the person's employer, threaten to broadcast the tenant's details to database members and threaten to adversely affect the tenant's credit rating.

Need for Action

Where satisfying the Human Right and Need for housing is at stake, proper regulation is needed, to protect individuals from discrimination and to protect our community from the social costs of increased housing hardship, dislocation and homelessness.

The Tenants' Union of NSW believes that the principles applied to tenancy databases should ensure:

- Tenants are only listed in justifiable and verified circumstances.
- Tenants be informed that they have been listed and why.
- Tenants can easily and freely correct wrong information.

- Standards of security of information are developed and applied.
- Accessible legal redress is available to tenants and suitable penalties ensure compliance.

We believe that without a credible privacy protection regime, the abuses present in the current, unregulated environment will continue.

Federal Regulation

The Federal Privacy (Private Sector) Amendment Bill passed through Parliament on 5th December 2000. While this Act was to protect Australian consumers, it lets tenants down and leaves them exposed to privacy abuses and unfair discrimination by tenancy databases.

The Act will make tenancy database operators (eventually) accountable to National Privacy Principles and the Privacy Commissioner, in their handling of tenants' details. This is a long awaited reform and while the Tenants' Union welcomes Government action on this issue, we believe the Governments' 'light touch' approach has weakened the protection offered and the Bill is deficient in a number of ways. In particular, we condemn allowing a further 12 months exemption for small businesses, even where they pose a high privacy risk and the Bill lacks penalties for breaches of individual's privacy and/or National Privacy Principles.

In the process of consultation leading to the Bill, Tenants' Unions and Tenants Advice Services gave evidence of tenancy database operators who flout any respect for information accuracy or tenant's rights:

- Some operators will list tenants for trivial concerns or in retaliation for asserting their rights and refuse to give tenants access to their records or correct errors.
- Tenants may be charged over \$5.00 per minute to discuss any issue with a database lister and may find themselves adversely listed regardless of the merits of any complaint against them.
- Sometimes people are disadvantaged simply by sharing a name with another tenant who has been listed and some tenants have been made homeless on the unsubstantiated allegation of an angry or vindictive landlord.

Opposition lobbying in the Senate did succeed in improving the Bill in some respects; importantly by providing a right for individuals to access and correct preexisting databases of personal information and by creating a right of appeal from industry code adjudicators to the Privacy Commissioner.

Tenants' Union of NSW experience in

helping tenants unfairly listed by tenancy databases, makes us believe that the Bill will not guarantee fair treatment to tenants. In the next two years of potential small business exemption, this may mean a complete lack of protection or recourse against unjust listings.

The Federal Government's obsession with the interests of business, has sacrificed the interests of many faultless tenants by pursuing 'light touch' legislation.

The Attorney-General must continue to closely monitor this industry, to ensure that the Governments' generosity with exemptions and absence of compliance penalties does not lead to further harm for tenants.

Other Options

The regulation of the operation of tenancy databases has been a top Tenants' Union policy priority for some years. The disappointment of the weak Federal response to this consumer abuse has led us to look to the New South Wales Government to redress this problem.

Our representative on the Property Services Advisory Council (PSAC) has been successful in making this issue one of PSAC's projects for this year. We have been asked to provide a discussion paper on regulatory options to the PSAC as soon as possible.

At the Tenants' Union Board meeting of 26th February 2001, the Board endorsed preparation of a paper exploring the following options:

- Heightened activity using existing regulatory remedies.
- Legislation mirroring the Federal Privacy (Private Sector) Act, but with appropriate penalties.
- Regulation under the Residential Tenancies Act 1987.
- Regulation mirroring South Australian provisions under the NSW Fair Trading Act.

Consultation with Tenants' Services and other stakeholders, has underlined that the important elements of proper regulation would have to ensure that tenants are only listed in justifiable and verified circumstances. Also, that we are made aware of any adverse listing and that there is easy access to affordable dispute resolution that can correct wrong information, compensate tenants for damage done by malicious listings and penalise operators who flout the rights of tenants to fair and equitable treatment. An encouraging sign is that the industry stakeholders and some database operators are now seeing the need for regulation.

We will continue to push for appropriate regulation of these databases and look forward to reporting progress in the next issue of **Tenant News**.

Trouble with your landlord? Talk to Kylie!



Trouble with your landlord? Talk to us



Greater Sydney Aboriginal Tenants Service

Monday - Wednesday: 9.30am - 5.00pm
Wirringa Baiya Aboriginal Women's Legal Centre
Phone: (02) 9569 3847 or 1800 686 587
Thursday - Friday: 9.30am - 5.00pm
Blacktown Aboriginal Legal Service
Phone: (02) 9621 1653

Kylie Parsons is the sole Aboriginal tenants caseworker for the greater Sydney region and so she sure has her work cut out for her. Despite being a young woman, her work for the Family Support Association as well as probation and parole has given Kylie a wealth of experience to draw on.

Based at Wirringa Baiya Aboriginal Women's Legal Centre, Kylie advises both male and female clients from Marrickville 3 days per week and then provides an outreach service at Blacktown Aboriginal Legal service on the other two days.

"I do lots of home visits as a lot of people can't access my service from where they are." Kylie's main client base is public housing tenants from the Blacktown and Mt Druitt areas with issues such as repairs, rent arrears problems and Residential Tribunal cases.

Kylie explains, 'some Aboriginal tenants often do not know what their rights are and are intimidated by the agents or housing bodies as well as the tribunal process. They might think it is as formal as a regular court, this means they often don't turn up to a hearing. That's where I come in, if I can support them they can exercise their rights more effectively.'

For some tenants their problems mount up and by the time Kylie sees them they are often facing eviction. Kylie gives an example; 'Issues such as illiteracy affect people's ability to seek help or advice in a timely way.'

Kylie points out that 'Aboriginal tenancy workers have to be multi skilled - we often have to be a kind of social worker as well.' '... Aboriginal people have often had bad experiences dealing with government departments and housing agencies and so do not feel confident that they can exercise their rights.' According to Kylie Parsons 'negotiating issues that are peculiar to Aboriginal living processes' often requires a different approach from the more conventional transfer of information or advice.

Several visits and an understanding of the tenants' wider family or community connections are required for her to advise a client and ensure they are treated fairly.

Asked what she would do if she could change things she immediately has a practical idea. 'The Department of Housing and housing bodies could be more pro-active in orientating tenants to their rights and responsibilities'. They could consult with the tenants advice services to conduct informal workshops for new tenants so that both parties become aware of their responsibilities and the particular constraints and conditions of individual DoH (or other) dwellings. 'Things like the right way to report repairs and how to negotiate financial problems before they become too big. That way they may have less problems than they do.'

As she is the only Aboriginal tenancy caseworker in Sydney, Kylie receives professional support from the Aboriginal Resourcing Unit Dtarawarra, the Tenants Union and the workers from the three Aboriginal country based Services; Murra Mia in Batemans Bay, Gunya in Dubbo and the Northern NSW Aboriginal Tenants Advice Service in Grafton. 'Everyone has been really good to me in the network and they go out of their way to help me if I need it'.

Kylie can be contacted Monday to Wednesday through Wirringa Baiya Aboriginal Women's Legal Centre Phone: (02) 9569 3847 or 1800 686 587 and Thursdays and Fridays at Blacktown Aboriginal Legal Service Phone: (02) 9621 1653.

Shelter NSW Consultations - Housing everybody



Meetings across NSW for tenants, housing advocates, providers, community organisation and others to discuss housing issues in their regions and help develop a vision for a better housing system.

Ten meetings will be held across NSW between March and June this year. If you would like to attend just complete the attached registration form and we will send you details about the meeting in your area.

Discussions about the end of the current Commonwealth State Housing Agreement (CSHA) in June 2003 will begin in August this year. Given the importance of these inter-government discussions for the future of publicly funded housing, Shelter NSW is holding regional meetings throughout NSW to inform people about the negotiations and to position the housing sector to have a role in them.

The meetings are open to anyone with an interest in housing issues. This includes tenants, advocates, housing providers, neighbourhood centres, other community groups, peak bodies and concerned individuals. Our aim during the meetings is to:

- Provide information about where inter-government negotiations about the future of housing assistance are up to;
- Identify key housing issues within each region in NSW; and
- Think about ways to change or improve the housing system to better address these issues.

This will enable us to develop a directions statement on housing beyond 2003 that the housing sector could present to government as a starting point for our involvement in negotiations about the future of the CSHA.

Cost: No charge, but registration is required as numbers are limited. For further information contact Will Roden at Shelter NSW Phone 02 9267 5733 Fax: 02 9267 5001 or email will@shelternsw.org.au

Meetings

- Southern Sydney (Hurstville) - March 12
- Central Sydney (City) - early April
- South Eastern NSW (Woolongong) - early April
- Hunter (Newcastle) - April 10
- Western Sydney (Parramatta) - early May
- South Western Sydney (Liverpool) - early May
- Northern NSW (Coffs Harbour) - late May
- Northern NSW (Lismore) - late May
- Western NSW (Orange) - early June
- Western NSW (Wagga Wagga) - early June

HOUSING IS A RIGHT NOT A PRIVILEGE

Home Ownership in Australia: Dream or Nightmare?

By Andrew Beer, School of Geography, Population and Environmental Management Flinders University

This article is concerned with the representation of the homeless and homelessness. Invariably the Australian media portray homelessness in a very limited and unintelligent way but it is guilty of the same over-simplification when it comes to its dealings with its favourite housing topic: home ownership. The mass media and their depiction of popular culture would have us believe that home ownership is the 'Great Australian Dream', and that is the birthright of us all'. The mass media has no cultural memory of the recency of mass homeownership in Australia, nor does it recognise how many Australians either fall out of home ownership, or barely hang on to the tenure.

In our book *Home Truths: Property Ownership and Housing Wealth in Australia*, Blair Badcock and I identify three key generations: the Safe & Sound; the Baby Boomers; and Generation X. The story of these three generations is important as it shows how the reality of home ownership has changed over the last fifty years, and highlights the increasing divergence between the real life experience of home ownership and its myth.

Safe & Sound

The first mass generation of home owners emerged in Australia in the 1950s and 1960s. Safe and Sound home owners came through the war or grew up during the war years, and the life expectations and attitudes of many were shaped during the Depression. Soldiers returning from overseas and displaced families arriving in Australia had experienced hardship. As survivors they understood what it meant to make do and pull together in adversity, and they were not averse to making long-term plans in order to secure a better future. They bought or built modest houses in modest suburbs. With so much disruption in their lives, little wonder this generation placed such a premium on security and stability and many found that haven in home ownership. Not only did the quarter acre block provide a protective environment in which to raise a family, but as privately owned property it could not be taken away from them.

For 25 years or so after World War II, government housing programs ensured that home ownership expanded, especially while unemployment was low and stable. Together with centralised wage fixing, full employment gave home buyers the confidence to enter the long-term commitment that a mortgage entails. Once the downturn of the early 1960s was past, a tradesman working full time could usually manage the repayments, the furniture bill, and may be a car on hire purchase. The Safe & Sound generation embraced home ownership and it in turn bestowed security of tenure, modest but appreciable wealth and a 'stake' in Australia. It was a generation that kept faith with the Great Australian Dream and was rewarded for it.

Baby Boomers

Baby boomers were born over a 15 year period after World War II and were fortunate enough to come into the world in a period of sustained economic prosperity. As a privileged generation, their parents wanted a better start in

life for their children than they had themselves, and that meant more and better education. If a trade certificate epitomised the Safe & Sound generation, a teaching diploma was the educational hallmark of the Baby Boomers.

Home ownership has always seemed the natural entitlement of the Baby Boomers, both because it was achieved by their parents but also because of the strength of the economy when this generation first sought work. Most Baby Boomers entered home ownership with relatively little pain but



maintaining their foothold in that tenure has proved more difficult. The Baby Boomers have the dubious distinction of being Australia's most divorced generation and in all too many instances the break up of the family has seen one – if not both – adults end up renting or homeless.

By the very end of the 1980s some Baby Boomers had built substantial housing equity and prosperous businesses, only to lose it all when the 'recession we had to have' took hold. Tough times saw banks foreclose on small businesses, often taking the family home that had been put up as collateral and selling it at fire sale prices.

Generation X

The first members of Generation X were coming to adulthood by the mid 1980s. They entered the workforce when unemployment rates were high, rents were rising and home purchase seemed out of the reach of many. Growing up their experience of impermanence taught them one big thing: keep your options open.

The economic and social disruptions to daily life in the 1980s and 1990s owes as much to changing values in Australia as it does to the forces of globalisation. A sea-change has taken place in the philosophies that underpin economic life. Generation X has had to cope with these sweeping changes at an age when previous generations

have been settling down. On the work front, permanent full-time employment is rapidly becoming a thing of the past. The current generation of home buyers face the prospect of short-term employment contracts, and much greater mobility if they are to be where the work is.

Although financial de-regulation has made it easier and quicker to access home finance, labour market flexibility has reduced the numbers of households who can be sure they can maintain the repayments on a mortgage. In consequence we have seen a plummeting of home purchase rates. Of course, many households can and do buy a home – often paying off the mortgage at a rate that would have astounded the Safe & Sound generation – but home purchase is beyond the reach of others.

For these reasons, a life shaping gap is emerging between households with one wage earner at best, and those lucky enough to be able to pool earnings from a number of sources. The upshot of these changes is that many young adults have no immediate desire to buy. Projections over the period 1986-2006 warn of a continuing deterioration in rates of home ownership.

Conclusion

There is a stereotypical representation of home ownership in Australia: it revolves around an Anglo-Celtic family of husband, wife and two children living in a large house in suburbia and enjoying all the benefits a consumer-oriented society can offer. On occasion² this representation is extended to imply – if not stated overtly – that home ownership is just one of the assets held by this affluent and successful 'family'.

This short article has attempted to show that the representation of home ownership in Australia is simply that: a representation, imagery that does not reflect the complex reality of this tenure. In the late 1940s and 1950s home ownership was not part of consumer culture, and many households moved into home ownership simply because building their own home was the only way they could get a roof over their heads. The Baby Boom Generation helped turn home ownership into a status symbol and a commodity, but many of them paid a heavy price: falling out of home ownership – and affordable housing – through divorce or business failure. And we should remember that 43 percent of marriages in Australia end in divorce. Generation X and its

successors have struggled to get into home ownership and many of those who do become home purchasers – especially in the biggest cities – will be so burdened by debt that their toe-hold in home ownership will be at risk. They won't be able to afford to live as if they were part of one of the 'lifestyle' programs that currently dominate television programming in Australia

The homeless no doubt suffer from how they are represented in political debates and the media. But this myopia reflects a more general public ignorance about how Australians are housed. This in turn has contributed to the absence of equitable or effective policies for any of the tenures. Those who doubt me need only look at the absence of a Coalition housing policy at the last Federal election, and the low priority afforded public housing by both State and Federal Governments. Housing activists will need to confront these mis-representations within the media and politics if we are to get better housing for those in need.

References

Badcock, B. and Beer, A. *Home Truths: Property Ownership and Housing Wealth in Australia*, Melbourne University Press, Melbourne.

1 The fact that home ownership rates are highest amongst some of the overseas born groups, such as those from Southern Europe, is an irony that has escaped the attention of the media.

2 Just think about some of the television and print advertisements you see from the banks or land developers.

This article is reprinted with permission of Andrew Beer and Parity, the newsletter of the Council to the Homeless (Victoria)



To Squat or not to Squat ...is there a choice?

Gavin Sullivan
Louise Boon-Kuo
Vicki Sentas

There have been squatters for as long as there's been the concept of owning land, and squatting on land that formally belongs to someone else takes place all over the world. There are probably as many reasons for squatting as there are people who squat. In this article we will try to cover some of the reasons why people squat, discuss some historical examples of squatting in Sydney, and talk about the current Broadway squat campaign and the implications it has for expanding responses to the problems of homelessness and affordable housing.

why squat ?

Despite government policies that aim to promote 'affordable housing', it is clear that the numbers of low-income people able to afford housing in the Sydney area are rapidly decreasing. The costs of private rental accommodation are increasing as the population demand in Sydney increases, pushing many low-income earners away from the places in which they and their friends live. The private rental market is largely de-regulated and tenancy laws can often afford low-income earners little protection from the increasingly exorbitant rents demanded by landowners and their real estate agents.

Public housing available to those in need is an alternative. However, with waiting lists as large as they are, and with the length of wait as long as 12 years, government housing is not a viable option for many. Governments appear to be less interested in housing low-income people. This is evidenced by selling Department of Housing land to private developers, cutting back on spending for new places, outsourcing their role to private contractors in 'community housing' - it becomes more blatantly obvious that it is a mistake to rely on their goodwill to satisfy your housing needs and wants. The continuing downscaling and failure of the dwindling public system to provide homes for people continues to have a corresponding relationship to the increase in the numbers of people who squat in Sydney today.

With the price of living in Sydney becoming more out of reach for those on welfare or living on a low or middle income, squatting is one model of sustainable housing which is both accessible and transformative of the use of dead and unused space. Squatting is not a choice for many who cannot afford to rent. It is a daily lived expression of their material conditions, (that is, if alternatives to living on the street can be seen as a choice).

Debates and contests over who is defined as 'Homeless' - and therefore worthy of access to public housing - deny the real conditions of poverty and homelessness for a large segment of society. Homeless people are also workers who can't afford rents, youth who have been kicked out of home, people on benefits who live in poverty while most of their income is dwindled on rent.

There are very few countries around the world where squatting is considered a criminal offence, rather than simply a civil dispute between a landowner and an occupier. Australia, however, is one such country.

Squatting has been a criminal offence in NSW since 1970, when the conservative Askin Government (with the unqualified support of the Australian Labor Party) criminalised trespass to counter the 'age of lawlessness' that they perceived in Sydney at that time. The effect has been to make self-help housing illegal and punish those who transgress the law of rent paying. This criminal trespass regime disproportionately effects those with incomes too low to survive in the ever gentrifying, 'living city' of Sydney.

Because of its criminality, squatting is often a short-lived experience and squatters are constantly under the threat of eviction and displacement. Squatters can feel vulnerable every time they step outside to go about their daily lives. With the threat of criminality, they can feel under siege for finding a solution to their need for housing. There are no laws that protect squatters being harassed from property owners and security guards. But the opposite is not true. In fact, every court case and criminal trespass charge that is made invariably confirms the same result - that is, the sanctity of private property relations in the law.

squatting as community

Squatting is not only a readily available means of alternative accommodation, but also a community to a growing number of diverse people. People not only squat to house themselves, but to build communities devoid of the control mechanisms and sterility of rent slavery, or the management structures of co operative housing. Despite the threat of eviction, living in a squat can be an empowering experience because it helps people to participate in living in an autonomous and safe environment. The act of occupying a derelict building and making it habitable requires skill development and a lot of responsibility. Once a building is selected, a squatter needs to do a lot of renovations -like securing rusted window grills, fixing leaky pipes, changing locks for security, and bricking up holes in the walls and floors. Opportunities for skill development and community building are slim with the demolition of public funding for both housing and relevant youth/community facilities. Squatting can provide for real empowerment and autonomy. And as one form of lived autonomous organising, squatting paves the way for people to make **their own** decisions on the use of space - rather than simply relinquishing that right to landlords and owners of private property.

sydney's squatting history

Sydney has a rich history of squatting to provide housing and advance political arguments about housing rights and self-help housing. At the same time, squat campaigns have been barometers of community antagonism over gentrification and the restructuring of urban space. Whilst the types and reasons for squatting are

Whilst some tenants left 'voluntarily', others defiantly stayed in their homes and an action group was formed [Victoria Street Residents Action Group (VRAG)] to support their opposition to the evictions. Street patrols were organised to protect the remaining tenants from intimidation by Theeman's security company. VRAG approached



numerous and varied, the three examples below serve to illustrate the changing nature of resistance to property relations in Sydney and some of the ways squatting has worked to advance material gains for low-income people.

woolloomooloo 1973-1974

One of the first publicly visible squatting campaigns in Sydney was in and around Victoria Street, Woolloomooloo in 1973-1974. The conservative state government at that time had aimed to expand the central business district by encouraging capital investment and residential development in the nearby Woolloomooloo basin.

One of the companies with interests in this redevelopment was Victoria Point Pty Limited - owned by Frank Theeman and his family. Theeman bought up whole stretches of terrace houses in Victoria Street and Brougham Street, Woolloomooloo with plans to demolish the existing houses and build three exclusive twenty-story apartment blocks in their place. After the plans gained approval in March 1973, Theeman began a mass eviction of over 400 Victoria Street and other Woolloomooloo tenants. - many of them elderly, working-class and migrant residents with nowhere else to go.

the communist-led Builders Labourers Federation (BLF), who immediately placed green bans on the threatened houses of Victoria Street - effectively bringing the redevelopment project to a standstill. In addition, the action group organised for the [now] empty houses in Victoria Street and the surrounding area to be squatted.

In June 1973, the first group of squatters moved into no. 57 Victoria Street. Over the next seven months, the rest of the twenty-two houses in the street were occupied by a diverse collection of people - including VRAG members, 'hippies' and libertarians, itinerant visitors, homeless people and original tenants. The Victoria Street squats were organised in a communal fashion. Meetings were held every Sunday morning in an old stable behind one of the houses. Fences were taken down and a communal eating area and child minding centre was established. In addition, a food co-operative and rotational cooking roster was established and a room in one of the houses was redeveloped to hold regular film nights.

Theeman, however, treated the squatters as illegal trespassers. On 3 January 1974, a 30 person team of private security guards and scores of police came together to forcibly evict the Victoria Street squatters. Using sledgehammers and crowbars to

penetrate the barricaded doors and windows, the guards took possession of most places in less than 15 minutes.

Within two hours, almost the entire street had been cleared and 44 squatters had been arrested and charged – one for assaulting police, six for 'unseemly language', and thirty seven for the new anti-squatting law of criminal trespass. By evening, all of the squats had been secured and occupied by security guards. Sydney's first visible squat campaign was over.

These squatters however, had now sown the seeds for later squat campaigns and been successful in highlighting the displacement of low-income and working-class communities through urban redevelopment and gentrification. The Victoria Street squatters also helped solidify the campaign that eventually saw much of Wollomoolloo kept for public housing rather than simply exclusive apartments.

glebe 1974-1984

The various 'urban renewal' schemes proposed by the NSW governments of the 1960s and 1970s were inextricably connected with an additional series of governmental plans for major freeway construction around and through Sydney. The Western Distributor was to begin at Wentworth Park in Ultimo, carve through Glebe, Annandale, Leichhardt and Burwood, and connect with the Western Freeway at Concord. Hundreds of buildings in the traditionally working class inner-western suburbs thereby became 'DMR affected' and - despite widespread and vigorous community opposition - many were to be compulsorily acquired and demolished to facilitate the construction of the road.

In 1974, however, the Whitlam Federal Government strategically purchased a large collection of houses in Glebe to block plans for the Western Distributor. The Glebe Estate was intended to provide the basis for the Federal Government's own brave experiment in 'urban renewal'. The 730 terrace houses that comprised the Estate were to be renovated and restored for public housing. However, severe funding cuts and Federal/State conflict over funds and project responsibility meant that most of the Glebe Estate lay empty and unused for years.

On 6 October 1984, in a well-planned and executed move, more than 100 people came together to effect an en masse squat occupation of 40 empty Glebe Estate Houses. The action was the culmination of a series of public meetings organised by the recently formed (and now defunct) Squatters Union of NSW. These meetings had aimed at recruiting potential squatters from the large pool of low-income people that were disgruntled with excessively lengthy DOH waiting lists and/or the excessively high costs of private rental accommodation. After getting inside, the Glebe squatters contacted the Federal Department of Housing and Construction (DOHC) and organised for negotiations to begin.

The Glebe squatters were very successful in targeting the Federal and State governments for their bureaucratic inefficiency and failure to provide adequate public housing to

those in need. In fact, their campaign was so successful that it prompted – after years of stalled negotiations - the Commonwealth to transfer ownership of the Glebe Estate to the NSW Government in December 1984. Now it was the DOH's responsibility to deal with the political issues that the squatters were raising.

However, the slogan of 'housing rights for low-income people in need' - which the Glebe Estate squatters had been publicising and drawing upon to both advance their political ideas and legitimise their occupation - was now appropriated by the NSW Government for the purposes of justifying the squatters' removal. Given that the Estate had been transferred and the funds for renovation were available and guaranteed, the State Government argued that it was the squatters themselves who - in their continuing occupation - were preventing deserving and needy low-income people on housing waiting lists from realising their right to affordable housing.

On 28 February 1985 - almost five months after the first of the Glebe Estate buildings had been occupied - the evictions of the first 23 houses began. Squatters in each of the houses were formally requested to leave by DOH representatives. Squatters who refused to leave were removed by the NSW police and the houses that they had been squatting in were promptly 'gutted' by teams of private wreckers that had been hired by the State Government.



By the end of the day all of the squatters had been removed, 16 had been arrested and charged with criminal trespass, and the 23 houses that they had been occupying were internally destroyed and boarded up to prevent re-entry. Another wave of evictions in August 1985 saw the rest of the Glebe estate squatters either removed and arrested or re-located into alternative DOH accommodation.

The Glebe Estate is now maintained as a public housing estate for low-income tenants. Without the actions of the squatters, the estate would have probably sat empty and unused for another ten years while governments waited for the best price to buy and the numbers of people on public housing waiting lists soared.



now...

broadway 2000-2001

The story of the Broadway squats is a story in progress. South Sydney City Council - one of the few local governments in the Sydney metropolitan area to still have a numerous properties in their asset schedule - owns a collection of shop-top terrace houses and warehouses in Broadway, Ultimo. Under a deal brokered largely by the previous Labor Mayor Vic Smith, the Council has been negotiating a joint venture with the Australand-Walker Corporation to demolish and redevelop the area into 'Central Square' - a massive urban redevelopment plan to build 600 exclusive apartments, office areas and shops. The Australand-Walker Corporation already own the nearby Broadway Shopping Centre and exclusive Unilodge 'student' apartments.

The development of Central Square is set to consolidate their property empire in the area and bring considerable profits to South Sydney Council. To facilitate this development, Council terminated the lease agreements of the existing Broadway shops in January 2000. In February 2000 - after the buildings had only been empty for one month - people moved in and squatted four of the Council-owned buildings.

As the Sydney Olympics got closer, increasing numbers low-income people were getting evicted from their homes,

We were squatting at Broadway for some time before the Council even realised that there was anybody there. It may seem surprising that they didn't notice, but when you see buildings as capital investment you rarely consider that buildings are also used for homes. Between August and October, the Council took an incredibly heavy-handed approach to evicting us. On the first day they discovered us there, they promptly called on the Operational Support Group police squad to have us removed with 'reasonable force' if necessary.

Soon they were to take us to the Land and Environment court seeking our removal on trumped-up fire safety grounds and threatening fines of up to \$1.1 million (each) if we didn't comply. We complied, but organised a community/union picket with the Construction, Forestry, Mining, and Energy Union [CFMEU] and the Building Trades Group of Unions to stop the council workers from making the buildings uninhabitable. Neither the police nor the Council wanted to be seen to be throwing people onto the streets during the international spectacle of the Olympic games, so we made sure that there was media there to show that this is what was happening.

We wanted to stay in our homes until the buildings were going to be knocked down. Using empty buildings for housing in the period leading up to redevelopment or demolition makes sense and this kind of legitimised occupation had been operating successfully in England for some time.

The Sydney Housing Action Collective (SHAC) - together with the IB Fell Housing Research Centre at Sydney University - began to formulate a policy for local councils and developers to adopt.

The caretaker housing policy would see people who need housing enter into caretaker lease agreements with the owners of vacant properties. The occupants look after the premises and get a place to live, making any repairs as necessary to make the buildings fit for habitation.

The developers save thousands of dollars on securing empty space with private guards and put something back into the communities that they are buying up and effacing. And the Council get to develop a policy that actually helps to alleviate episodic homelessness and the loss of community space in their area. The Broadway squats were to be the first pilot study of this emergent policy in action.

In October 2000, a majority of Councillors at South Sydney decided to withdraw eviction proceedings and move toward the establishment of caretaker leases on Broadway. The Mayor - a conservative yet ostensibly 'progressive' independent - and the bureaucrats on Council were still vehemently opposed to anything other than having us evicted and charged for trespass.

having their squats shut down, and moved off the streets. By August 2000, there were more than 30 of us living in the Broadway squats.

The squatters are a diverse bunch of people. Some came to be there after the being evicted from boarding houses - their landlords wanted to 'renovate' the places to rent them out to Olympic backpackers. Others had received 'no grounds' termination notices and had been forced to leave their share houses so the landlord could rent the place out to Olympic spectators for \$800/week.

Still others had been crashing on their friends floors and sleeping rough for months unable to find a place to stay. We are united in the fact that we cannot afford to pay the exorbitant rent in Sydney. We want to live in a flourishing community rather than in a series of individualized \$200/week dog-boxes, and we are prepared to organise to fight for our community rather than let ourselves be continually displaced.

Continued Page 9

Boarding Houses

Affordable Housing Option or Human Rights Abuse?

Nicholas Warren

"In the words of 16th Century English Jurist, Sir Edward Coke, "(A man's) house is ... his castle and fortress ... for defence against injury, and violence, as (well) as for his repose". Mmm. Comforting words... for the male householder at least .

But is a boarding house a castle too, with the lodgers secure and happy behind its walls ... or is it more like a dungeon? Is that a moat, or just the rising damp?" (extract from script by Tony Latimore)

These questions and more were addressed recently in a hypothetical presentation; "The Best Little Boarding House". The hypothetical was a major part of a boarding house symposium organised by the Inner City Legal Centre Boarding House Project, with financial support from Uniting Care NSW & ACT, the Tenants' Union and Kingsford Legal Centre.

Over forty-five people attended the Boarding House Symposium; representing a cross-section of the key government and non-government stakeholders in the issue. After exploring the issues confronting both owners and residents, in the hypothetical format, participants were able to discuss the issues more deeply in small groups. Finally, an action plan for addressing the housing needs of those living in boarding houses and the financial needs of owners was developed in plenary session.

The Boarding House Symposium identified a number of key issues/gaps concerning boarding house accommodation, and made a series of

recommended strategies that address these. The strategies are now the foundation for coalition action between local government, key state government departments, and the non-government sector.

Some of the main issues identified for further action were:

- Need to encourage the building of new stock (including new styles of boarding houses) through the development of State Government policy.
- Benefits of the NSW Affordable Housing Service to include / cover use of boarding houses.
- The need for viability studies on operating boarding houses as a business.
- The delay in State Governments action on boarding house issues, including the need for legislation regulating residents' rights and responsibilities.
- Achieve balance between tenants' rights and investment opportunity.
- The need for information sharing between Dept. of Urban Affairs &

Planning, the Dept. of Fair Trading and Local Government Councils; particularly concerning a uniform system of data collection of boarding houses in the region.

- Consultations with the boarding house industry, for example, the Property Owners' Association.
- Amendments to legislation allowing increases in the number of residents in a single premise.

A copy of the outcomes report will be distributed to participants, the Minister for Urban Affairs and Planning / Housing, Minister for Fair Trading and across Local Government networks.

For further information: contact Peter Mott (convenor, Boarders and Lodgers Action Group) at Marrickville Legal Centre or by email at: Peter_Mott@fcl.fl.asn.au



Housing workers at the Boarding House Symposium

Homelessness Summit

Homeless people, peak bodies working in the homelessness field, government agencies, community organisations, unions and members of parliament coming together in a non-partisan environment to take a fresh look at issues affecting the growing crisis of homelessness and assisted housing and to make policy recommendations.

Tenancy & Rent

Single occupancy Housing

Unemployment

Financial Issues

Gambling

Government and Non-Government Services

Housing Development

SAAP Funding

Mental Illness

Family Breakdown

Drugs & Alcohol

Where & When

Legislative council

New South Wales Parliament

May 14 - 16 2001

9am - 5pm

Who

The Housing Summit is jointly convened by:

The Hon. Janelle Saffin MLC (Labor)

The Hon. Ian Cohen MLC (The Greens)

The Hon. Kevin Rozzoli MP (Liberal)

Workshops

The causes of homelessness: poverty, gambling, drugs, alcohol, domestic violence, mental illness, unemployment, family breakdown & child abuse.

Housing: development issues, social infrastructure, affordable housing, single occupancy housing, SAAP, CSHA and tenancy.

Case Management: Family and community agencies, NGO's, Centelink, financial issues.

Registration

\$60 per delegate (for 3 days).

The concession rate is \$10 per day. For those who are experiencing homelessness, registration is free.

For registration please send to:

Office of Ernie Page MP, 113/29 Newland Street, Bondi Junction, NSW 2022 by April 27th 2001

For more information contact:

Jules Bastable on 02 9230 3305 or Carolyn Neilson on 02 9389 6669



Aboriginal Tenancy Services

providing a holistic service to clients

Aboriginal Tenants Advice and Advocacy Services are often called upon to offer support that extends far beyond tenancy advice. Aboriginal tenancy workers are committed to servicing the community in areas other than tenancy matters, thereby helping to build stronger communities.

Throughout NSW there are four specific Aboriginal and Torres Strait Islander Services. These services provide NSW Koori tenants with advice, and when required will also advocate on their behalf. These services are resourced by the Aboriginal Resource Unit whose role is to work in closely with the regional services to provide resources, develop policy, and act as a support system for the Aboriginal regional tenancy services and their workers.

Koori Services

Three staff members are employed at each service, with the exception of the Sydney Service and the Aboriginal Resource Unit, who both have only one worker. These positions include caseworkers and administration workers.

Aboriginal Tenants services are located in Dubbo, Batemans Bay, Grafton, and Sydney. The boundaries that each region covers are vast and often the workers will travel up to 800 kilometres to advise and represent members of the community. While there is a common function that both non-Aboriginal and Koori Services offer to clients, the Aboriginal Services role is unique.

In order to ensure that their services are effective they often approach a case in a holistic manner. There are several reasons why this approach is necessary. Some reasons include

certain issues of the particular community in which the clients live, social and economic conditions, level of knowledge and the client's level of confidence.

Current Climate

Statistical information concerning Aboriginal housing and tenure identifies that the majority of Aboriginal people are tenants of Local Aboriginal Land Councils, Aboriginal Housing Corporations, or the Department of Housing.

Due to the fact that many are housed by community organisations, the role of the tenancy worker often involves mediation. Conflict of interest issues arise when for instance, administrators, board members or coordinators of these housing organisations might be personally tenants themselves or related to the tenants. At the same time these people might be technically a landlord in their positions in the housing organisations. This means the tenancy worker has to negotiate a complex set of relationships in order to ensure an amicable decision is reached which maintains a level of harmony within the communities.

A typical case may continue for five months and may even last a number of years. Factors contributing to these long periods include past history and the distrust Aboriginal people have developed over the years in respect to Government departments, and the legal system. It is, therefore, important that the caseworker takes time to establish a level of confidence between client and themselves. The caseworker must develop the client's trust and reassure them that they will be represented in a professional yet culturally sensitive manner.

Linking in with other services

A caseworker's job can be very demanding because of the complexity of the circumstances. The tenancy may fall under not only the Residential Tenancies Act, but also come under the legislation of the Land Rights Act. Therefore, the Caseworker must be skilled in several areas of the law and must allow for considerable time to research complex cases.

It is important the Koori services develop a link with staff from a cross section of the community along with government departments and agencies. The stronger their network systems are, the better equipped the caseworker will be in respect to the extent of information they can provide to clients and other support systems that are in place. This is of vital importance in providing a holistic service to their clients.

An example of the holistic service provided by our Caseworkers

An elderly Aboriginal woman was faced with eviction from her rented caravan and had nowhere to go. After suffering from a serious and debilitating illness which left her unable to speak, she also faced several other problems and desperately needed help to find accommodation and support for her situation.

The caseworker was immediately confronted with a number of challenges, however the most urgent one was to establish effective communication strategies to suit both parties.

After identifying that the elder was in urgent need of housing, the tenancy worker contacted the Department of Housing Specialist Client Service Officers and Team Leaders and worked together in relocating the lady into other accommodation. The lady also needed furniture, so the Caseworker then contacted the Salvation Army and St Vincent's who generously provided some of her needs. In this case the tenancy worker kindly gave furniture to her that he no longer needed.

The lady's health condition required regular visits to Melbourne. One of these visits was to fit her with a vibraphone to help her speak and to continue her therapy. The tenancy worker helped to organise transport, and contacted Aboriginal Health Workers and other community organisations to provide other services to meet her needs.

This case highlights the strengths of the holistic approach provided by Aboriginal Tenancy Services. Despite the main focus being tenancy, Koori tenancy workers are very aware of the importance of adopting an inter-sectorial approach to assist in delivering a holistic service to tenants.

This method enables workers to meet the client needs on various levels, giving them assistance, advice and guidance to help them deal with the complex issues that they are confronted with. These workers within the specialised Koori services have the flexibility to cater for the need and requirements of their target groups, realising that maintaining secure housing underscores any ability to deal with other problems their clients might face.

To Squat or not to Squat ...is there a Choice?

From Page 7...

With the majority of the Council in support, a range of bureaucratic obstructions, using any Council regulation available, were used to undermine the caretaker lease policy. The main issues that were put up as insurmountable obstacles are: fire safety, public liability insurance, building classification, current official use of the buildings, the requirement to submit a development application for change of use, and the cost of repairs.

These issues have now been successfully resolved. However, the onus was on us to seek pro bono help - provide expert reports (from structural engineering reports to expert legal advice, and convince the Council we could do the work on a no-cost/low-cost basis.

A media smear campaign discrediting us then appeared in the Daily

Telegraph, and local papers, while the Council took expensive measures to prevent any further use of Council owned buildings for homes. At the Broadway site alone, there has been, and still is, 8 security guards in nearby buildings, costing \$28.60 per hour, reaching an expenditure of \$190,000 in the first two months, and has now reached approximately a quarter of a million. Under the caretaker policy, these security functions would be undertaken by residents who would also have an interest in protecting the buildings.

What is happening at Broadway has implications far beyond the tenure for individual residents. The Broadway squats are a pilot project for the caretaker lease policy. If Broadway succeeds, it will make possible wider benefits for many of us in need of affordable accommodation, and assist

in reducing the criminal impacts of being homeless.

conclusion

Looking back over media coverage of the squat campaigns, there has been a concerted effort by conservative media to drive a wedge between tenants and squatters. For example, the Daily Telegraph coverage on Broadway featured a special on how the Broadway squatters were ripping off residents in the nearby Unilodge apartments through failing to pay high rents to live in that part of town.

But it is clear that the media coverage does not reflect public opinion. In a vote line in the Daily Telegraph, 88% of people voted for the use of a caretaker lease for squatters in empty buildings. Public support from organisations such as the Tenants' Union, the NSW Council of Social Services, Shelter, CFMEU, the Labor Council, youth refugees and homelessness organisations, and support from individuals who have visited the squats

Monday night soup kitchen or other community events, has been overwhelming.

Squatting campaigns have played an important role in changing the nature and pace of development in Sydney, attempting to prevent city spaces being available only to rich residents. Any campaign that works to highlight the right to housing for all, educates people about the inhumane conditions people are forced to live in because of massive rents. As well as addressing the way communities are dislocated through urban gentrification, works to the advantage of all people who are struggling to live in Sydney, renters and squatters alike.

Contacts

For more information on squatting; contact the Sydney Housing Action Collective at:

shac@kittymail.com,

or visit the website at <http://squat.net/shac>

Renting Guide wanted in community languages

The *Renting Guide* is produced by the Department of Fair Trading and is available in 17 community languages as well as English. For several years the state-wide Tenants Advice and Advocacy Services (TAAP) Access committee has been campaigning for this guide to be made available in community languages. The committee is also lobbying for the community languages Renting Guide to be issued as a matter of compliance by Landlords & Agents to all new non-English speaking applicants seeking rental property in the private market.

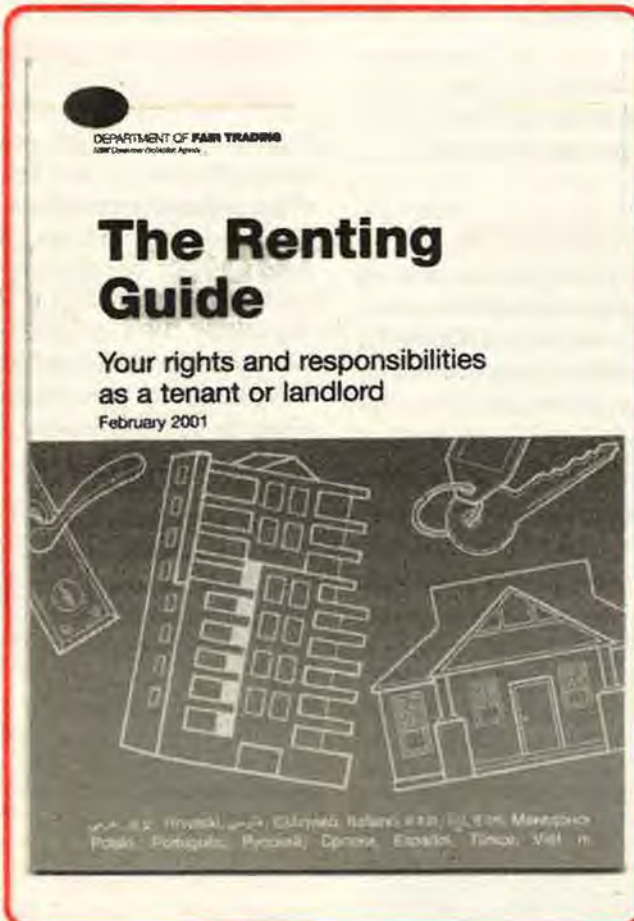
The TAAP Access committee also wants this guide to become part of the 'On-shore' package provided by the NSW Department of Immigration and Multicultural Affairs (DIMA) to all new settlers in Australia. This has been a practice in Western Australia for years now and as most new settlers come to NSW it makes sense for it to happen here.

Last year the NSW Council for Social Services (NCOSS) produced a report called *Cash for Cowboys*, which investigated barriers for entry into the private rental market for disadvantaged tenants and included 18 recommendations – two of which are those lobbied for by the TAAP Access Committee.

According to the Tenants Union Access Officer, Zanne Landles, there is now a window of opportunity for the mandatory provision of a language appropriate Renting Guide to all tenants. The review of the Residential Tenancies Act¹ is still in progress and presents an ideal opportunity for this recommendation to be adopted. "Correspondence from the Director-General of the Department of Fair trading to the Tenants Union has indicated that our Renting Guide Campaign may at last be getting somewhere".

The Department of Fair Trading (DoFT) is at last prepared to initiate discussion with DIMA about the inclusion of the Renting Guide as part of its new arrivals on-shore information strategy. The Department is also considering the recommended amendments to the of the Renting Guide by landlords and Estate Agents to new tenants, in a tenants preferred language.'

Improving non-English speaking tenants' access to relevant information is a high priority access and equity issue for the Tenants Union and the TAAP services across NSW. Any action on the part of the Department to bring about positive change is welcomed, and would help promote the delivery of social justice outcomes (access, equity, rights and



participation) in the area of rental accommodation that would benefit both tenants and landlords in NSW.

The Access Committee's greatest fear now, is that these positive moves might be scuttled before they are implemented because of a seemingly negative response from the Property Industry. Issues raised with the committee in their consultations with industry representatives indicate that good intentions by the Department may be followed by inaction by the industry.

Industry representatives have proffered arguments that a 'lack of space' would preclude their ability to store and issue the Rental Guide. Other arguments include agents 'not being able to identify the correct language of the tenant'.

These arguments are spurious and can easily be overcome. For instance, copies of the Renting Guide can be stored on CD-Rom or downloaded from the internet and printed for the tenant as needed. It could also be sought and stored based on the demographic characteristics of the area.

Perhaps the objections are more about the onus on the agent or landlord being required to provide comprehensive information in the tenants preferred language and a fear of losing power in the landlord/tenant relationship. This position is difficult to sustain when it is evident that a well-informed tenant is more likely to be a better tenant.

The Tenants Union applauds the Department of Fair Trading's apparent readiness to now put into place initiatives that would assist tenants in NSW from a non-English speaking background to be more aware of their rights and where to find help. Knowing their basic rights is one of the first steps to empowerment for tenants from a non-English speaking background.

The Tenants Union and the TAAP Network are adamant that the Department needs to put in place similar mechanisms it uses to enforce compliance in other fair trading issues for the provision of what it already sees as mandatory information to English speaking tenants. Moreover, it needs to use these mechanisms to actively ensure compliance by the Real Estate industry and private landlords to provide adequate information for non-English speaking tenants, if the positive steps they have taken are to be more than just a cursory exercise.

¹ As part of the National Competition Policy Review of the Residential Tenancies Act

Tenancy Commissioner In Joint Action with Residents....

Residents had a big win recently in the Residential Tribunal. The matter was found to be in the public interest - so the Tenancy Commissioner joined in to represent that interest.

The fight was because a park owner was charging residents for water consumption in an area that was still under the old excess water system.(that's when the owner pays for water once a year as a part of the council rates). There are still one or two councils who are under the old system, so the issue is very relevant.

Because the Tenancy Commissioner joined the proceedings, and was represented by a Barrister, the Park Owner was allowed the same level of representation. So we had the very unusual situation of having Barristers appear before the Tribunal. The Barrister for the Tenancy Commissioner was arguing that the Park Owner had misinterpreted the Act. The Barrister for the Park Owner was arguing that the Park Owner should be allowed to charge for water usage in an area such as this - He was putting a different view forward of how he felt the Act should be interpreted.

The residents wanted their money back and so the residents' case was put

forward by an Advocate from the Central Coast Tenants' Advice & Advocacy Service.

The Park Owner was trying to say that Section 39 of the Residential Parks Act refers to **both** methods of billing. That is, that it is applicable to both user-pays and to excess water systems.

It was a very interesting case because the issue surrounding the two different methods of billing had already been tested under the previous legislation, but had not yet been tested under the new Residential Parks Act 1998.

Section 39 of the Act states:

39 Resident to pay certain water consumption charges other than for excess water (from 1 January 2000)

- (1) It is a term of every residential tenancy agreement that the resident must pay all water consumption charges in connection with the residential premises, if the residential premises are individually metered in a manner that complies with the regulations and:
 - (a) the resident is billed either:
 - (i) directly by the water supply authority or
 - (ii) by the park owner in accordance with this section, and

- (b) the resident is not liable to pay a minimum charge.
- (2) If the resident is billed by the park owner, the amount that the resident is required to pay is the lower of the following amounts
 - (a) the amount that the resident would have been required to pay if the resident were a direct domestic customer of the relevant water authority.
 - (b) The amount prescribed by the regulations.

If you look at (2) above it is very clear that (as is the case in this area) that a resident should only have to pay for excess water. There are no water consumption charges in an excess water area. The Owner of the property pays water rates, and receives an allowance for water for the year. Anything over that allowance is called excess water, and can be passed on to the Resident.

The matter proceeded to a formal hearing and for three hours the parties argued about what those provisions actually mean.

On July 5 2000 the Tribunal ruled that the Park Owners' interpretation of the law, (Sections 38 & 39 of the Act), was incorrect.

The Tribunal found that there was enough evidence within the Act itself to support the stand that this particular provision was relevant only in a user-pays environment.

The tribunal ordered the Park Owner to refund all moneys paid for water consumption, and that no further charges should be made.

This win is an important one for Park Residents.

It sends a message to Park Owners and to the industry, that the Legislation has been drafted to protect the rights of Park Residents. Where those rights are misinterpreted, the courts will set things right.

Congratulations to those Residents....

**Jenny Watson
Central Coast Tenants Advice & Advocacy Service**



**Coming
soon
to a
screen
near
you**



At last the long awaited tenants website is almost ready to be tested by the 'online' public. A joint project by the Tenants Advice & Advocacy Services (TAAP) and the Tenants Union, www.tenants.org.au is set to become the one-stop tenants' information website.

This valuable new resource for tenants is funded by the Law Foundation and the Department of Fair Trading and constructed by Social Change Online and designed by Pro Bono Publico.

The tenants website project is overseen by a joint committee of the TAAP Services and the Tenants Union, and has taken over 2 years to develop. tenants.org.au is designed to be a tenant focused site providing a wide range of information for tenants', tenancy workers and community workers.

The site includes the full set of tenants' factsheets in English with 11 of these in 9 community languages. The Tenants Rights Manual and a range of free resources and publications are available 'online' and can be ordered with a downloadable mail order form.

Sample letters for all types tenancy issues designed for tenants to use as models for their own letters are available and are cross referenced to the appropriate factsheet and chapter of the Tenants Rights Manual.

Details of all tenancy advice services are provided and if you are not sure which service covers your area - type in your postcode and find your local service, including contact details and phone advice times.

Latest information and press releases will be regularly updated, and policy documents, submissions, model legislation and statistics along with the history of the Tenants Union and the Tenants Advice Services will be fully accessible to anybody interested in tenancy issues in NSW.

The Law and Justice Foundation will be hosting tenants.org.au on their server, so it will become part of the comprehensive community law information network linked through their site.

Look for a test site of tenants.org.au in early May and participate in the planned user testing which will take place before the Minister for Fair Trading John Watkins officially launches the site on 24th May 2001. TU members will be invited to the launch of tenants.org.au so look out for your invitation in the mail!



On the road with Gillian...

Gillian Little is an outreach caseworker from South Western NSW Tenants Advice & Advocacy Service (Orange) working from Wagga Wagga. Proving that tenancy workers have to be multi skilled and flexible. A trip home from the Central West Community College conference held at Charles Sturt University in December 2000, provided her with an "on the road" adventure!

Seeking danger money and overtime pay after the College Conference I ended up heading for home from Bathurst at about 4pm the next arvo, but had a series of diversions and adventures that had me getting home to Wagga Wagga after 3am!

I'm not sure why me. Anyway, on the spur of the moment as I was driving through Cowra I decided to pay a quick visit to my old man's auntie at Erambie Mission. Well of course the visit wasn't so quick. Turns out that the tenants have some big problems with their landlord so Aunt and others there at her house asked me to come back to speak to the tenants and inform them of their rights (and, I added, obligations).

Also assist them in upcoming Residential Tribunal hearings. I'll do a much modified community education session. I asked aunt about a venue; she said "just over there in the

paddock"...Challenging. Anyway, once I'd pacified Aunt... I headed off, about 6pm. Didn't get 20 metres when I bumped into Harry Wedge, my absolute favourite indigenous artist - the blackfella Picasso I think I might have mentioned.

Considered to be one of the top 20 contemporary up and coming Australian artists (not just indigenous, in fact, he's the only indigenous artist on the list). He's internationally renowned and yet has moved back to the Mission, living in very modest circumstances with his mother and family, painting such heart wrenching beauty. He doesn't read or write, yet his paintings sell for big dollars. He has a good agent and as a consequence he has a bit in the bank. Travels only occasionally to his exhibitions.

An extremely shy and intense man, he lives on almost no money but could choose otherwise. I offer to buy the T shirts he wears when he's painting as they too get covered in paint. He thinks I'm joking - I tell him it's for my

retirement fund. He had polio as a child and as a consequence has one leg about 20cm shorter than the other. Stolen child and a horrific background. ...Anyway, I've been trying to track him down for two years, without making contact, although I knew he was getting my messages. Just elusive. So delighted I was, and he too. We became very close when he was in need of some help a few years ago. So I didn't end up leaving until 8.30pm.

And so it goes on. 10km the other side of Junee (about 10.30pm) I drove past a woman walking on the side of the road in the other direction (towards Cootamundra). It occurred to me that this was quite extraordinary, so I chucked a u-ie and enquired as to her welfare. She was in a dreadfully distressed state, stranded and penniless, walking home to Temora!!! Sobbing uncontrollably. She told me she'd left Wagga at 3.30 that morning and had walked most of the way! She was carrying a green garbage bag half full of meat and groceries. Wearing thongs, feet covered in cuts and

blisters. So I drove her to Temora of course. Two hours added to the trip.

Left Temora after 1am, and clipped a bloody kangaroo on the way to the relative safety and security of home. Don't worry, no damage to the car (it clipped the bumper bar) or me, but I was concerned for the kangaroo. So I chucked another u-ie so as to check the welfare of my marsupial friend. Out cold on the side of the road. I thought I had a fatality on my hands, but as I started to make closer investigations, it lifted its head, scrambled up, brushed itself off and jumped (a little gingerly) into the bushes.

I think it was okay, although I saw a cut on the little darling's shoulder, but it'll probably heal. At least I got a chance to stroke it before it came to. I actually had two other close encounters with kangaroos on the way back and I saw several dead by the road and one dead in the middle of the road. Foxes and rabbits too.

Why me you ask?
love Gillian



Tenants Have Rights!

How to avoid problems

- ✓ **Start by reading your residential tenancy agreement. Get some help if you can't understand it.**
- ✓ **Tell your landlord, or the landlord's agent, about any problems and tell them what you want. You should confirm anything you agree to in writing and send your landlord a copy.**
- ✓ **Remember that the agent works for the landlord.**
- ✓ **Keep a written record of what happens between you and your landlord or agent, including what each of you said and when.**
- ✓ **Keep copies of your:**
 - Residential Tenancy Agreement
 - Condition Report
 - Receipts for rent and bond money, all letters and written records.
- ✓ **Never sign a blank form or any papers you don't understand.**
- ✓ **If you receive notice of a Tribunal hearing you should always attend.**
- ✓ **Remember that if you stop paying rent you can be asked to leave. Rent strikes do not work.**

**Your landlord can't evict you
— only the Residential Tribunal can do this.**

For more help

Contact your local Tenants Advice and Advocacy Service. Workers will be happy to call you back if you live out of the area.

Sydney Metro

Inner Sydney	9698 5975
Inner Western Sydney	9559 2899
Southern Sydney	9787 4679
South West Sydney	9601 6577
Eastern Suburbs	9386 9147
Western Sydney	9891 6377 or 1800 625 956
Northern Sydney	9884 9605

Eastcoast

Central Coast	4353 5515
Hunter	4929 6888
Illawarra/South Coast	4274 3475 or 1800 642 609
Mid Coast	6583 9866 or 1800 777 722
North Coast	6622 3317 or 1800 649 135

Western

Western Region NSW	6362 9809 or 1800 642 609
South Western NSW	1800 642 609

Specialist

Aged Tenants Service	9281 9804
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Aboriginal Services

Western NSW	6884 8211 or 1800 810 233
Southern NSW	4472 9363 or 1800 672 185
Northern NSW	6643 4426 or 1800 248 913
Greater Sydney	9569 3847 or 1800 686 587

Tenants' Union Hotline

Mon-Fri 9.30am-1pm & 2-5pm	9251 6590
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**Get a new lease on
life... join the
Tenants'
Union!**

Membership Application

TAX INVOICE

I would like to apply for membership of the Tenants' Union of NSW Co-operative Limited ABN: 88 984 223 164

Name / Organisation: _____

Address: _____

Phone: (home) _____

Phone: (work) _____

This is a: (please ✓ one)

☐ new membership ☐ renewal _____
(Membership Number)

I am a: (please ✓ one)

☐ tenant ☐ tenant organisation
☐ non-tenant ☐ non-tenant organisation
☐ other (please specify) _____

Annual fee runs from 1 January to 31 December.
New members can pay half fees after 30 June.
First membership fee paid covers cost of share.

unwaged \$8.00 waged \$16.00 organisation \$32.00
(all include GST component)

Please find enclosed cheque / money order to the Tenants' Union for:

Membership: _____

Donation: _____

Total: _____

I am over 18 years of age. I support the objectives of the Tenants Union of NSW.

Signed: _____

Date: _____

return to: Tenants Union of NSW, 68 Bettington Street, Millers Point 2000