

tenant NEWS

Free newspaper of the Tenants Union of NSW

Issue 73 August 2003

Housing is a right ... unless you're a tenant

By Nick Eastman and Polly Porteous

International law says that all people have the right to adequate housing, which includes the right not to lose your home except for serious reasons. Yet in NSW, tenancy legislation makes it very clear that tenants do not have anywhere near the same rights as property-owners. Nowhere is this more obvious than in the creation of laws regarding "noise and nuisance" which place much greater controls on the behaviour of tenants than on the behaviour of property-owners.*

Over the last few years, tenancy services have noted a marked increase in the number of "noise and nuisance" cases being taken against tenants. The *Residential Tenancies Act* states that tenants should not "cause or permit a nuisance", and should not "interfere, or cause or permit any interference, with the reasonable peace, comfort or privacy of any neighbour of the tenant" (section 23). On the face of it, it seems fair that someone who has a noisy or objectionable neighbour can take action.

However, many tenants ask: why does this only apply to tenants? Should a dispute between neighbours be a landlord/tenant issue? What if your neighbour is a homeowner - keeping in mind that the majority of households are owner-occupier)? The *Residential Tenancies Act* obviously does not apply to disputes between homeowner. There are a large number of laws which do deal with neighbours, including the *Crimes Act* - if someone assaults or threatens you. Information about neighbourhood laws is also contained in the *Law Handbook (NSW)* and *Neighbours: a Practical Legal Guide to Solving Neighbourhood Problems*, both published by Redfern Legal Centre Publishing and available from your local library. Neighbourhood disputes can also be mediated by Community Justice Centres (1800 671 964, www.cjc.nsw.gov.au).

So if neighbours are arguing, there are places to go and laws to use. It may be that these dispute-resolution mechanisms are not very effective: perhaps there needs to be better neighbourhood laws in NSW or a neighbourhood court of some sort. But why is there another layer of law which applies only to tenants? If the owner of a property is arguing with their neighbour, that owner cannot be evicted. But if you happen to be a tenant, then you are vulnerable to losing your home.

case 1 - traditional BBQ

A migrant family held a weekly BBQ / bonfire on their front lawn, a tradition common in the country they were originally from. The neighbours

complained to this family's landlord and the family received a letter threatening eviction. If this family owned their own home, the neighbours would have had to attempt dispute resolution - maybe through community justice centres. However, just because the family were tenants and not homeowner, they almost lost their home.

case 2 - now homeless

A Koori tenant living in a Department of Housing block of flats faced constant harassment from his (non-Aboriginal) neighbours. On arriving home one evening he found that a tree, given to him by his late father on the birth of his child, had been chopped up by the neighbour. The tenant was so upset that he yelled at the neighbour and ran a branch of the tree up and down the railing of the stairs. The neighbour complained to the Department of Housing and the Koori tenant was taken to the Tribunal, which evicted him.

case 3 - tenant arrested

A woman with a mental health problem living in Department of Housing faced harassment from her neighbours including rubbish being thrown over the fence, name-calling, dog faeces left at the front door and verbal threats. Some of these episodes were witnessed by a mental health worker. The tenant would call the police to complain, but the neighbours told police she was making it up, which resulted in the tenant being charged with making false complaints. When the Department of Housing was informed, they threatened eviction.

case 4 - homophobia

A tenant had a friend visit him, visibly upset about some personal situation. The neighbour saw the tenant and his friend hugging at the front door and shouted out "Oh you poofters". The friend yelled back, and the neighbour was so incensed that he told the tenant's neighbour that the tenant was always holding wild parties. The tenant sought advice from a Tenants Advice and Advocacy Service, which was able to defuse the situation. Indeed the tenancy advocate encouraged the tenant and his neighbour to meet for a chat over

a cup of tea - a good first step to resolving disputes!

International law makes it clear that people should not have their housing taken away from them except for serious reasons. Yet in NSW, tenants are vulnerable to eviction because their neighbours don't like them. Many of the cases which Tenants Advice and Advocacy Services deal with involve tenants who are already vulnerable: Aboriginal people, people from a non-English speaking background, or people with mental health issues. Such people are defined as "different" by their neighbours. Instead of trying to live in harmony, their neighbours have chosen to punish this "difference" by going to the tenants' landlords and saying "We want these people out." In the case of tenants in Department of Housing, if these people do get evicted, they face a high risk of homelessness. This happens to them only because they are not homeowners - does that seem fair? ♦

* See Article 11 of the International Covenant of Economic, Social and Cultural Rights. Australia has signed and ratified this Covenant.

** Thanks to David Owens; Jenny Watson; Lois Boswell; and staff at GSTAS for additional information.

In this edition, **Tenant News** has introduced some regular columns. We will also be trialling some new designs over the coming months. Do you like the changes? We want to hear your opinions! email tunsw@fcl.fl.asn.au

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Tenant News is printed by
Marrickville Print & Design
ISSN-1030-1054

Views expressed by the contributors to
Tenant News are not necessarily those
held by the Tenants' Union of NSW.

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 of NSW is a community legal centre that has been active in promoting the rights of more than 1.5 million tenants in NSW since 1976.

Over this time we have advocated on behalf of tenants to State and Federal governments, and we have developed numerous resources providing information for tenants and tenants' advocates regarding the rights of tenants in NSW.

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Editorial

By Harvey Volke

Housing is a depressing area to work in, and tenancy even more so - because change is so slow, and it is so hard to get it on to the policy agenda.

Looking over the stories in this issue is a bit like Back to the Future - haven't we been here before?

The front page story tells us a series of tales all highlighting the fundamental insecurity faced by tenants: there is no way you can call your house your home.

A page or two later we get a collection of newspaper clippings telling us, yeah, you guessed it, the same old story of tenants denied basic rights.

And of course right beside that is the same old story about boarders and lodgers. Still no legal rights at all. And we won't even talk about caravan parks, or we'll all start howling.

Farewell to Viv Abraham

By Harvey Volke and Robert Mowbray

Alas, the name of Viv Abraham is not as well known as it should be. To those who knew her (which are many of us in the Sydney housing and social justice sector), the death of Viv Abraham on 31 March this year came as a shock. We thought her immortal.

Viv was a solicitor by trade, and lived and worked in Inner Sydney for many years. Now we come to write of her, we realize how invisible she kept herself, because she did so many good things for so many people, but we knew so few of them.

In the late 1970s Viv was a Director on the first Board of the Tenants Union, and then honorary solicitor for many years. In the 70s and 80s, Viv was also on the boards of South Sydney Community Aid and Shelter NSW (in the hard, unfunded years).

Many of us involved in current housing campaigns remember Viv fondly from even earlier years, when she and her sister edited *Peacemaker* and provided remarkable support to those who chose to register as conscientious objectors to conscription or refused to register for National Service when Australia became involved in that undeclared war in Vietnam. She was also engaged in the housing struggles that took place throughout the postwar years; she was also the honorary solicitor for innumerable Aboriginal organisations.

Viv spent so much of her time being

Really, folks, some of these stories could have been written without too many changes at any time in the last 25 years.

But when you look back over the past quarter century you suddenly get a surprise - hey, back then, things were one hell of a lot worse.

No rental bond board. No (or precious little) legislation more recent than 1899. No tribunal and no recourse (repairs? Forget it). No rights for park residents or boarders and lodgers. No tenancy services. No talking to tenants by the Housing Commission. No community housing. And if I had more time I'd think of more things.

Hey, did we do all that? No, but we helped. And maybe without us, some of it wouldn't have happened at all. And you know what? I feel bloody good about that.

Great. Now I feel ready for another fight. Bring on the boarders! ♦



honorary, we don't quite know how she managed to live. She never took her obligations in any purely formal sense - she was a full-on, committed person, who expressed her social and political beliefs throughout her life.

Viv's insistence on attention to detail could be frustrating, but that very quality saved more than one organisation from going to the wall. She was unassuming and modest to a fault - she was simply there when you needed her. It was probably her refusal to put herself forward that has sadly ensured she is unknown by many younger community workers and community organisations, and that she was not always understood by those who did know her. She was a rare person with beauty of soul and singleness of mind - one who merited the title of "pure in heart" bestowed in beatitude by the rabbi Jesus ben Joseph.

One of us last saw her at one of the big marches against our involvement in that misbegotten adventure in Iraq, not realizing she was unwell, and of course she didn't say so. When the chips were down, Viv was always there.

To us, and it sounds mawkish, but it is profoundly true that in her always being there for us she was like a mother, in many ways: and, like a mother, it is only when she is gone that you realize how much you miss her, and all the things you wish you'd said and never did, and what a gaping hole she leaves. ♦

New Minister responsive to Tenants' Union concerns

The Tenants' Union resources the NSW Tenants' Advice and Advocacy Program, which is funded by the NSW Government.

After the 2003 State Elections, a departmental re-shuffle saw the creation of a new NSW Office of Fair Trading, and a new Minister, Ms Reba Meagher

Ms Reba Meagher has been the Member for Cabramatta since 1994, and this is Ms Meagher's first ministry. Her full portfolio is Minister for Fair Trading and Minister Assisting the Minister for Commerce.

Ms Meagher extended an invitation to services funded through the Fair Trading portfolio to meet with her office. On 5 June, representatives of the Tenants' Union of NSW met with Ms Meagher. The Tenants' Union was represented by Kiri Hata (Coordinator), Carmen Jauregui (TAAP Service Development and Resource Worker) and Harvey Volke (Tenants Union Board member). Ms Meagher was accompanied by policy officers from her own office and also from the Office of Fair Trading.

The Minister gave the delegation a good hearing and showed genuine interest in the issues we brought to her attention. The subjects that were raised included:

- Residential Tenancies legislation – including an opportunity for the Tenants Union and tenancy services to have input into the review of the legislation
- Better regulation of tenancy data bases
- Legislative protection for boarders and lodgers
- Residential parks – particularly action on park closures and provision of relocation costs.

The Minister took note of the Tenants' Union's concerns. The Office of Fair Trading has indicated it is following up on the issues the delegation raised. The Tenants Union hopes that Ms Meagher and the Office of Fair Trading continue to show real interest in assisting the tenants of NSW to gain genuine protection of their rights to housing. ♦

Profile of a tenants' service: Greater Sydney Aboriginal Tenants' Service

Tenant News profiles a different Tenants' Advice and Advocacy Service every edition. This edition we look at the Greater Sydney Aboriginal Tenants Service



NAIDOC celebrations, 8 July 2003, Petersham Town Hall.

From L to R: Jenny Thomsen (GSATS); Catherine Weaver (Office of Fair Trading); Michelle Jones (Tenants' Union of NSW); Richard Duncan (GSATS); and Stacey Broadbent (GSATS). At the front is one of the many Koori kids who came along to celebrate NAIDOC.

In March 2003 the Inner West Aboriginal Community Company (IWACC) in Marrickville was granted the tender to operate the Greater Sydney Aboriginal Tenants' Service (GSATS).

IWACC aims to service the needs of Aboriginal and Torres Strait Islander people living in the Inner West of Sydney. Some of the services IWACC offer include cultural advice; disability support; aged care support and family support. Prior to taking on GSATS, IWACC was already a busy community organisation of 7 staff.

GSATS brings 3 new staff members to the service, and also brings a wider geographic reach for the organisation. Current GSATS staff are Stacey Broadbent - Coordinator; Richard Duncan - Tenant Advocate; and Jenny Thomsen - Tenant Advocate. GSATS provides tenancy advice to Aboriginal and Torres Strait Islander tenants in the Greater Sydney region - from Wyong in the north, down to Helensburgh in the south, and out to the Blue Mountains in the west.

In addition to the full casework services provided at the Marrickville office, GSATS has an outreach service on Wednesdays at the Community Justice Centre in Campbelltown. GSATS are also currently looking for an outreach service in the Mt Druitt/Blacktown area.

GSATS Coordinator Stacey Broadbent told *Tenant News* that in the past 6 months the service has concentrated on promoting itself to the Indigenous community in the greater Sydney region. They have gone to many inter-agencies, spoken to health services, and (as part of IWACC) co-organised NAIDOC week for Inner West Sydney (see photo above). But by far the best form of advertising, Stacey says, is "word of mouth - specially if you do a good job for one tenant, then they tell their friends and family, and they start coming to see us. That's great, you know, we feel like we are beginning to make a difference in the community."

It's hardly surprising then that the service has built up a large case-load. Stacey says "The three most common problems for Aboriginal tenants coming to us are rental arrears, repairs, and terminations. There is never one day where we don't get a call about repairs!"

Stacey also says that the Koori Tenancy Network, and the wider network of Tenants' Advice and Advocacy Services, have been really supportive of GSATS. The Tenants' Union Legal Officer, Grant Arbuthnot, visits the service every week to provide legal back-up for their cases. Stacey is also grateful for Ruth and the mob at the Aboriginal Resource Centre - "They've all made us feel really part of the Network, and have helped us in getting up and running."

GSATS phone contact details are on the back of *Tenant News*; or you can drop into 26 Lilydale St (the old hospital), Marrickville. ♦

Farewell Kiri

by David Vaile, Chairperson, Tenants' Union of NSW

After nearly a year at the helm as our coordinator, Kiri Hata is moving on from the Tenants Union of NSW, initially to Fiji and elsewhere in the Pacific.

Kiri has been a pillar of strength during the consolidation of the TU and the TAAP networks in the aftermath of the extended but ultimately positive review of the Tenants Advice and Advocacy Programs in NSW.

Kiri's hearty good humour has helped everyone settle in to the new strategic directions and plans that evolved under the new 3 year TAAP funding agreements, and to develop Legal Aid funded services in tandem. Kiri has also overseen the rejuvenation of relations with the Office

of Fair Trading and the Department of Housing, and a review of potential arrangements for future support in regional TAAP network legal and advocacy services, especially those involving indigenous tenants.

We will sorely miss her. However we are placed that she leaves us in the capable hands of Michelle Jones, the new executive officer, with more robust systems in place, a re-invigorated, professional new team and a renewed sense of purpose. And the heavenly harmonies of Kiri and her Maori "sisters" at the farewell in July will linger with us for a long time.

Thank you Kiri! ♦

Farewell for Kiri Hata, Tenants Union, 11 July 2003

From L to R: Gran, Kiri, Marcia and Leslie, singing traditional Maori songs



Boarders campaign hots up

This year BLAG has received funding from the Law and Justice Foundation (NSW) and South Sydney Council which will be used to reinvigorate the campaign for legislative reform for boarders and lodgers.

NSW is increasingly lagging behind in housing laws compared to the rest of Australia. For example, Queensland, Victoria, South Australia and the Northern Territory now have laws which cover the majority of people living in boarding house style accommodation.

BLAG's campaign will be two-pronged. The group are developing a poster for general distribution, and a campaign kit aimed at NGOs, social service organisations, and other organisations dealing with disadvantaged tenants. The

campaign will highlight the plight of boarders and lodgers, many of whom are elderly, or have significant disabilities - physical, intellectual, or mental. Many organisations are not aware that boarding houses do not provide secure accommodation. A boarder is one step away from homelessness. The lack of legislative rights is an indictment of the NSW Government's failure to fulfil its human rights obligations to ensure adequate housing for all its citizens.

BLAG urges all community organisations who receive the kit to write to their local state member and highlight the plight of this disadvantaged group of people.

For more information, contact BLAG at the TU on 9247 3813. ♦

Tenants rate a mention

Although tenants make up 30% of households in NSW, tenancy issues take up a very small proportion of the commercial media. Here are a few tenancy or housing stories which recently appeared in NSW newspapers

On 22 May, the Central Coast Express Advocate reported on a meeting of Gosford residential park residents campaigning to save their homes (**"People Power the Only Way"**, 22/5/03). Gosford Council is trying to preserve park residents' homes by banning redevelopment of caravan parks, but the Council faces heavy pressure from the park-owner lobby to abandon their plans. A representative from park residents said "developer greed was causing heartache across NSW."

In early June the Sydney Morning Herald reported on a punter's attempt to claim "squatter's rights" on a \$1m house in Miranda (**"Pesky one-tenth of the law sees off a game squatter"**, 6/6/03). The squatter researched some laws on the internet and presented them to the Supreme Court, saying that he hoped the judge had a book with a law in it which would support his case. The squatter lost.

Also in June, the Queanbeyan Chronicle ran an article about the heated real estate market in Queanbeyan (**"Boom hitting tenants"**, 10/6/03). Shelagh Keith from the South West Tenants Advice Service was interviewed for the article and provided case studies of tenants falling into arrears due to increasing rents.

In June/July the Sunday Telegraph ran a series of articles highlighting the 10-year waiting list for **public housing** in NSW. One article (29/6/03) profiled a young mother and son who had no choice but to live in a car. The following week (6/7/03), the paper reported having received dozens of calls from families offering to house the young family. The mum and her son were eventually housed by St Vincent de Paul.

The Daily Telegraph reported on 5 July that "the inner-west is the new renters' paradise" because rents had fallen (**"Opportunity Knocks for Tenants"**, 5/7/03). The Tele gave as an example a twenty-something couple who negotiated their rent on a 3 bedroom house in Erskineville down from \$650 per week to \$620 per week. [Geez. That's one for the battlers!]

On 29 July, the Northern Star (in Lismore area) reported that high rents and low vacancy rates were making people homeless (**"High rents force people into tents"**, 29/7/03). One man was forced to live in a tent at a caravan park because he could not find anywhere to rent.

On 12 August, Chris Martin of the Tenant's Union was interviewed in an article about the need for better regulation of databases (**"Tenants black lists under scrutiny"**, 12/8/03). ♦

Koori Network News

by Ruth Simon, Aboriginal Resource Unit

What is the Aboriginal Tenants Network?

There are four specialist Aboriginal Tenants' Services in NSW, and an Aboriginal Resource Unit which provides resources for those services (contact details are on the back of *Tenant News*).

Aboriginal tenancy services are a strong voice for Koori people. Aboriginal people are often misunderstood by mainstream services or governments; for example, government policies fail to take into account the cultural and extended family aspects of Aboriginal culture. Also, given the historical background to the treatment of Aboriginal people in Australia, it's essential that Aboriginal people have access to specialized Koori-specific services.

Advocating on behalf of tenants

Aboriginal tenancy workers raise tenants' issues in an effort to increase the awareness of the difficulties which Koori tenants are confronted with on a daily basis. For example, representatives from Koori Services meet every second month with staff members from the Department of Housing, the Aboriginal Housing Office, and the Housing Appeals Committee.

Some of the casework that Koori workers are dealing with at the moment is in relation to the new Department of Housing reforms. Aboriginal tenants are often confused or threatened by notices they receive from the Department. Because of past government policies, and the fear that Aboriginal people have of the court system, many Aboriginal

tenants will vacate their homes without attending a Consumer Trader, Tenancy Tribunal hearing. Koori tenants trying to get Department accommodation also face problems. Some tenants find it hard to meet the Department's policy of providing proof of successful tenancy in the private sector. This could be for a number of reasons, including not having the required amount to provide the bond that is necessary, and being refused accommodation in the private sector because of racism.

Another issue facing Aboriginal tenants is that they are often sent notices regarding rental fraud due to an allegation by the Department that the tenants have not disclosed additional occupants. However this may be because tenants have family members visiting for short periods to attend funerals, to help out with family issues, and to visit sick relatives. Often the Department assumes that family members are staying longer than permitted by their policy.

Raising Community Awareness

Forming partnerships and working together can be a force to be reckoned with! While strong partnerships have been built within the Tenancy network, we are now taking this to another level by working with other groups that provide greater access to the Koori community. In May and July 2003 the Tenants Union, Aboriginal Resource Unit, and the Greater Sydney Aboriginal Tenants' Service ran tenancy workshops at Tranby Aboriginal College. Tranby is in Glebe in inner



Sydney. Aboriginal mature-aged students from all over Australia attend the college on a block release basis. Two courses are delivered at the college, the Diploma of Development Studies (Aboriginal Communities) and the Diploma in Legal Studies course.

Twenty first-year students from the Development Studies course attended the pilot workshop in May 2003. On this particular day the students had just returned from excursion and were exhausted from the trip. Although we (the tenancy trainers) were worried that the students' main focus would be to have an early day to recover from their trip, it proved to be quite the opposite. The information provided to the students was met with great enthusiasm and much discussion. Consequently what seem to be a short time (2 hours) was not enough to cover all the components of the training. As the workshop went so well, we returned in July 2003 to give another workshop to second year students in the Development Studies course. ♦

If any of our readers belong to a tenancy or community group and would like to organise a tenancy workshop, please contact the Training Officer Simone Montgomery at the Tenants Union 02 9247 3813.

I am a tenant of a Housing Trust and recently I moved from one house to another house. I've been in this new house for a few weeks, and I have just been sent a letter from the Housing Trust saying that I am responsible for damage to the old house. They say I have to pay hundreds of dollars! I lived in that place for a long time, it was really run down, I don't think that we did any damage or anything. Anyway, the Housing Trust says that it lost the receipts but still says I should pay. Why should I pay for something which I didn't do?

Jenny

Tenants can only be held responsible for damage which the landlord (the Housing Trust) can prove was caused by you. The first question we would ask is whether you did a condition report for your place? The best way for a landlord to show you have caused damage is by comparing the incoming condition report with the out-

going condition report. If the Housing Trust did not do condition reports when you moved in, or when you moved out, then they will find it very hard to argue that you have changed the condition of the property.

Even if condition reports do show that there are problems with the property when you left, the Housing Trust has to show that these problems were more than normal "wear and tear". All properties gradually deteriorate over time, that's natural. If you were there a long time, and specially if the Housing Trust didn't do any renovations, then obviously the carpet will be older, the walls may need repainting, the stove may not be spotless, and the kitchen benches won't be brand new. You can't be held responsible for these sorts of things.

If the Housing Trust is claiming that you actually damaged the house more than "fair wear and tear", for example a door

From the Hotline

has been broken, or there is a hole in the wall, or the carpet has been ripped up, then the Trust has to give you receipts showing how much it cost to repair. They can't just ask you to pay based on their word. Also the costs to repair should be reasonable.

Jenny, you should talk to your local Tenants Advice and Advocacy Service if you want more help defending the Housing Trust's claim against you.

(Thanks to Meryl Crole for her assistance).

The Tenants Union Hotline operates between 9.30 am - 1 pm, and 2 pm - 5 pm on weekdays. A tenants advisor can provide information over the phone, or may refer you to your local tenancy service.

Tenancy News Across the Globe . . .

Tenants throughout the world face similar problems: escalating rents in urban areas, an increasing push for privatisation of government-owned housing; and the growing influence of property-owners on government policies. Have a look at what's happening in various parts of the world - for more information, see the websites of the International Union of Tenants, www.iut.nu, and the Centre Of Housing Rights and Evictions (COHRE), www.cohre.org

Denmark

Early this year Denmark's conservative government announced plans to sell off all public housing stock. "Public" housing in Denmark is actually owned by not-for-profit housing associations. All citizens have the right to apply for "public" housing, regardless of their income; about 19% of Denmark's housing stock is "public" rental housing (compared to around 5% in NSW). When the government announced their plans to privatise housing, tenancy organisations said this was really the expropriation of private property from housing associations, which is prohibited by Denmark's Constitution. The battle between the government and housing organisations was front page news in February 2003, and the Government appears to be reconsidering its plans.

Brazil

On 9 April 2003 the international Centre for Housing Rights and Evictions (COHRE) presented the government of Brazil with the COHRE Human Rights Protector Award. The award was given to Brazil for its adoption of the Statute of the City, one

of the world's most progressive housing rights laws. The Statute guarantees Brazil's low-income population the right to adequate housing and access to urbanized land, for example, it gives slum dwellers the right to obtain a court order giving them legal title over the land they occupy.

South Africa

In April 2003, a legal expert called for South Africa's property laws to be amended to allow children to own property. The expert was speaking at the Conference on Child Abuse hosted by Free State University. He proposed that children's legal rights be expanded to provide protection for the millions orphaned by the AIDS pandemic.

Switzerland

In May 2003 a referendum changed Switzerland's renting laws for the better. Switzerland's tenants make up 70% of the population, so you would expect strong tenancy laws. However before the referendum, Swiss tenancy laws on rent increases and no-reason evictions were pretty similar to NSW laws (where we are

only 30% of the population). The May referendum has now restricted rent increases so that a landlord must keep the rent in line with average rents for a particular area, and cannot increase it by more than 10% at any time. In addition, Notices to Quit can only be given for a good reason, with the burden on the landlord to show why the tenant should leave.

USA - New York

New York is one of the few cities in the world which still has large-scale rent-control. New York's rent laws were consolidated in 1974 but have never been safe from the landlord lobby. In 1997, only a fierce campaign by tenants kept the laws in place. In June 2003 the laws were up for review again. This time round, the Mayor of New York publicly stated his support for rent regulation, so the laws will remain in place until at least 2008. However tenant groups note that the landlord lobby have succeeded in removing some units from rent regulation. ♦

. . . and around Australia

Western Australia

In June 2003, the Tenants Advice Service (TAS) WA made submissions to the WA Equal Opportunity Commission regarding the Provision of Public Housing for Aboriginal People in WA. Research and consultations by TAS WA found that Aboriginal people were being systematically discriminated against by Homeswest, the WA Government's housing department. For example, although Aboriginal people make up about 18% of Homeswest tenants, more than 40% of the 3398 termination notices issued by Homeswest in 2001 were against Aboriginal tenants. It is hardly surprising then that Aboriginal people make up more than half the homeless population in WA.
www.taswa.org

Australian Capital Territory

The Tenants' Advice Service ACT, auspiced by the Tenants' Union of ACT, has spent the last 6 months in 'emergency' mode, coping with the housing crises caused by the bushfires of 18 January 2003. 157 rental homes (81 of which were public housing) and 376 owner-occupied homes were lost. All these families had to find temporary

short-term accommodation. This put the squeeze on an already-tight rental market in Canberra. Some landlords - unaffected by the fire but obviously keen to make a quick buck - took this 'opportunity' to increase rents, or to evict their long-standing tenants in order to offer displaced home-owners their properties.
www.tenantsact.org.au

Northern Territory

The NT and SA remain the only jurisdictions in Australia not to have dedicated tenancy services. Darwin Community Legal Service and NT Shelter recently provided a detailed submission to the NT Labor Government seeking funding to set up a Tenants' Advocacy Service. Although initial government feedback was positive, as yet there has been no formal response.
www.dcls.org.au

Queensland

Earlier this year, Queensland introduced amendments to their *Residential Tenancies Act*. These amendments permit tenants whose names are listed on bad tenant databases to take the agent who listed them to the Tribunal. The Tribunal has the power to order an agent to amend

or remove the listed information. These amendments are the result of intensive lobbying by the Tenants' Union of Queensland. TU Qld has also recently lodged a test case with the Federal Privacy Commissioner regarding the actions of one particular database operator, TICA.
www.tuq.org.au

Victoria

On 1 July 2003, a package of amendments to the Victorian *Residential Tenancies Act* kicked into action. The Tenants' Union of Victoria reports that of the 102 amendments, some are good news for tenants, others not so good. Among the benefits for tenants are the increase of the notice period for no-grounds evictions from 90 days to 120 days (4 months). The Tenants' Union of Victoria was however disappointed that the Victorian Government chose not to improve the circumstances of caravan park residents, who remain on a 90 day probationary period during which they are not covered by the *Residential Tenancies Act*.
www.tuv.org.au

News from South Australia and Tasmania will be included in the next edition of Tenants News. ♦



Site Sorties - residential parks issues

This is the first instalment of a regular column contributed by the Park and Village Service (PAVS)

As this is the first in a regular column on residential parks, we thought we would start with a brief introduction to Park and Village Service (PAVS) and the residential parks way of life.

PAVS

PAVS is a state-wide resourcing service which provides training, resources, advocacy and information on the rights and responsibilities of caravan and manufactured home estate residents. PAVS is auspiced by the Combined Pensioners and Superannuants' Association of NSW and funded under the Tenants' Advice and Advocacy Program. PAVS has 1 full time and 3 part time staff members: John Fitzgerald, Legal Officer; Joy Connor, Education and Research Officer; and Di Evans and Sean Ferns, Information & Resource Officers.

The residential park lifestyle

Residential parks have become an essential part of the housing system in NSW. They provide a retirement option and a form of ownership (where the

landlord owns the land and the resident owns the dwelling) for those with limited capital; rental accommodation for itinerant workers; and the last resort before homelessness for many battlers.

Around 44,000 people are thought to live permanently on residential parks in NSW. The legal recognition that people are permanent residents in parks has only occurred in the last 15 years. The Residential Parks Act, that provides separate legislation for park tenancies, is relatively new. It was only gazetted in 1999. Many aspects are as yet untested and its interpretation continues to require research and consultation with legal experts.

Providing consumer protection and fairness in the park environment is pretty challenging. Parks are enclosed enclaves that can provide a sense of community, security and a relaxed lifestyle. However, the owner of the land (the landlord/park owner) has power and control over every aspect of a resident's life. He or she

provides roads, lighting, power, water, sewerage, community living rules, internal security, access for visitors from the outside, phone access, access for newspapers, the park shop, permission for any changes to the exterior of residents dwellings, control over sales of dwellings and often control of postage. Park residents can be captive tenants and are less able to move away than other types of tenants. A resident who attempts to claim their tenancy rights in such an environment faces the prospect of alienating a landlord who is both a neighbour and in control of all their services.

Provision of tenancy advice and advocacy to residents of residential parks requires access to well-researched advice, understanding of a very different subculture and training in the several interlocking pieces of legislation which reflect the complexity of a unique tenancy and living system.

Contact details for PAVS are on the back of the Tenants News. ♦

Tenant News showcases hidden talents

Here for the first time we give a mystery cartoonist the infamy that is deservedly his/hers. Future editions of the Tenants News will include word-games, crosswords, horoscopes, and other entertainment for the enjoyment of our readers ... all with a tenancy twist. If you are a tenant or work in tenancy and would like to contribute something fun, please contact us: email tunsw@fcl.fl.asn.au or 68 Bettington St, Millers Point NSW 2000. Also - any ideas for funky names for this segment of the paper, let us know.



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.**
- ✓ **If you stop paying rent you can be asked to leave. Rent strikes do not work.**

Remember: your landlord can't evict you - only the Tribunal can.

For more help

Contact your local Tenants' Advice and Advocacy Service.

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

Coastal

Illawarra/ South Coast	4274 3475 or 1800 642 609
Central Coast	4353 5515
Hunter	4929 6888 or 1800 654 504
Mid Coast	6583 9866 or 1800 777 722
North Coast	6622 3317 or 1800 649 135

Greater Western NSW

North West	6772 8100 or 1800 836 268
South West	6391 5307 or 1800 642 609

Specialist

Aged Tenants' Service	9281 9804
Parks and Village Service	9281 7967

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	9564 5367 or 1800 772 721

Tenants' Union Hotline

Mon-Fri 9.30am-1 & 2-5pm 02 9251 6590

www.tenants.org.au

For fact-sheets and for further information about the Tenants' Advice and Advocacy Program



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