

Tu tenant news

Free newspaper of the Tenants' Union of NSW

Issue 78 April 2005

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Harvey Volke**

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The Tenant's Fighter

**Maverick, Comrade, People Person, sometimes Outcast, Bastion of Humanity,
Man of language and Symbols – The late Harvey Volke Born Dec. 9, 1939 died Jan. 7 th 2005**

by Karine Shellshear

Maverick, Comrade, People Person, sometimes Outcast, Bastion of Humanity, Man of language and Symbols – The late Harvey Volke Born Dec. 9, 1939 died Jan. 7 th 2005 Harvey lived the ambivalent life of a non-conformist – a rambunctious yet gentle hearted person with a passionate temperament, a seemingly gruff exterior, adamant about social justice, a temper to go with it, accompanied by a gutsy and sometimes quite black sense of humour – more temperate in his later life than in earlier years where his disdain for systems of injustice left an impression both colourful and vivid. Over time, he learnt the art and politics of negotiation and was highly influential in his capacity for persuasion. Harvey seemed oblivious of the boundaries that bind the tongue to silence – in fact he relished both written and spoken words and was proficient at both. He recognised the power of the symbolic, language in particular – the capacity for words to provoke, arouse, and emote, to state the truth and arrive at what needed to be said. He understood language at the most scatological level – as a shock tool for awakening consciousness, forcing people to re-think, and as an art form for the provocateur. At the same time he had the capacity to recognise the eloquence and subtlety of language in both history and literature, as well as in understanding the etymology and signification of words. Language fascinated him – like a child, he loved to test the impact of expletives – was always very direct in his use of language, said what he thought whether you needed to hear it or not and used it as a tool to do what he did best – argue against injustice and represent people where justice had not dealt

an even hand, especially tenants and especially social housing tenants. Harvey's life in the 25 years I knew him was completely devoted to social housing issues: from tenancy rights; to squatter rights; an initiator of the community tenancy scheme in South Sydney, a supporter of youth housing, singles housing, housing cooperatives, housing associations and the community housing sector, tenant participation and tenant's rights, boarding-house issues, caravan park issues, indigenous housing issues and more recently social housing regeneration and its impacts on communities. Throughout the years, Harvey has been a true housing and community activist,



Harvey Volke

with a brief to make a difference on the ground where it has mattered most – people being his main concern. In the early 80's it was youth housing in Redfern, the push for a singles housing policy, the re-housing of squatters from the Eastern Distributor, the protection of boarding house lodgers in inner Sydney and caravan park dwellers, the establishment of Tenant's Advisory Services, the protection of Royal Prince Alfred Housing Tenants, the establishment of youth refuges and the indefatigable push for tenants' rights and greater involvement in key areas of decision-making and influence over peoples' own lives in the social housing community. In the late

80's we were all briefly co-opted to the NSW Department of Housing by Ken Smith - it was known as the invasion of the "white sandshoe brigade". Harvey got on well with everyone, and was well trusted and respected. In his first few weeks at the Department a terrific bunch of women took Harvey shopping and re-dressed him, as if he was meant to fit in! There was a definite sense of displacement but he remained funny, quick witted, dead honest and outspoken, always with a strong sense of integrity that could never be bought off, a passion for justice that would inevitably stand in the way of a traditional career, and a capacity to say f-u when matters close to heart were more important than anything else to him and the folk he represented. In fact he was very much a folks man, a real people person, with a great sense of empathy. In the early 90's he went and worked with Martin Mowbray and Marcia Langton in the Central Lands Council in Alice Springs. Later he went to Western Tenants' Advisory Service, the Combined Pensioner's and finally where his heart sung most – Shelter NSW. Harvey had no fear of jeopardising superficial aspirations for the issues of substance he really believed in. He often paid a heavy price for the matters of integrity he stuck to. He was quick-lipped and sabre tongued, a veritable wordsmith who enjoyed word play, also hiding his talent in classical languages. Harvey was most eclectic in his array of interests. What often shocked and intrigued people, was the idea of Harvey's previous life as a man of the cloth. His language of expletives and his great delight for the here and now didn't exactly go

with the image. Yet he'd travelled long distances to get to the state of comfort he felt in being so genuinely himself. For whatever reason, he felt deeply conned by all forms of institutionalisation – and he made it clear he was not to be conned again. Whilst he harboured a most profound sense of spirit, he didn't care to be considered a spiritual person in any conventional sense. He lived very much in the present and fought for a future that was more humane, just and equitable. He relished the moment, enjoying every thing from good food and wine to more heady pleasures, like music, poetry and literature – from

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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 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

Public housing: from solution to problem

by Guest Editor, Chris Martin

Public housing has been in the news recently, for a variety
of reasons – and none of them good. To put the much-
reported problems of public housing into perspective, it
is useful to look at public housing's long history of being
seen as a solution to problems

Public housing was first put forward as a solution to
housing problems in New South Wales in 1861, when
Henry Parkes led a Parliamentary inquiry into the
'Condition of the Working Classes' in Sydney. Parkes'
modest proposal was for the colonial government to build a
small number of 'workers' cottages' to serve as a model for
private landlords. It was never implemented, but at least the
idea was that public housing might be part of the solution
to the problems of poor sanitation and overcrowding.

A NSW government authority first became a residential
landlord, albeit reluctantly, after bubonic plague had broken
out amongst the crowded wharves and workers' housing
in the city in 1900. Large areas of the Rocks and Miller's
Point were resumed and rebuilt by the government, with
public housing being used as a solution to a bad kind of
urban development and a local housing crisis. In 1912,
public housing in NSW was purposefully established
when the government commenced work on what would
become the Daceyville estate. Built as a 'garden suburb',
this was public housing as a solution to the problems of
bad town planning in a growing city, as well as affordable
rental housing for working households. Later, through
the late 1930s, the Housing Improvement Board built the
Erskineville estate, as a solution to 'slum' housing in the
older inner suburbs.

In the 1940s public housing was embraced by
governments as a solution to the systematic failure of the

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private market to provide adequate housing for low-income
households; the massive shortage of housing following
the Depression and the Second World War; and to the
problems of postwar reconstruction generally. The NSW
Housing Commission was established in 1942 and, under
the first Commonwealth-State Housing Agreement (1945),
became the largest landlord and builder in the State, at the
forefront of planning both for new neighbourhoods and for
new industrial development. As well as providing rental
housing, the CSHA and public housing were also seen by
governments as a means of increasing home ownership,
building and selling hundreds of thousands of dwellings

from the 1950s to the early 1970s.

Then at some point the ground beneath public housing
began to shift. In tenants' folklore there is a popular
image of the public housing estate that was built in
the 1950s or '60s, won awards for its design, admitted
tenants, had its 'troubles' and, by the 1970s and '80s,
was a 'social disaster' waiting to be demolished. This
image symbolises the fortunes of the entire public
housing system: at some point it stopped being seen as
a solution to problems, and a problem in itself.

**"In the 1940s public
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Now politicians and other commentators call public
housing estates disastrous 'social experiments.' It's
pretty insulting, when you think about it: as if these
neighbourhoods are something like Frankenstein's
monster, created by mankind meddling with forces
that ought not to be meddled with. But on the other
hand, public housing has, in a way, always been a bit of a
social experiment: that is, over its history, public housing
has been advanced as a solution to a great number of
contemporary problems, and always within the terms
and limitations of the times.

And really, the most reckless, dangerous 'social
experiment' is the one currently being conducted:
that is, operating a public housing system that takes
in only the poorest, most crisis-afflicted sliver of the
population, adequately maintaining the homes of only
one in three of them, subjecting them to laws, regulation
and a level of scrutiny that does not – and would never
– apply to the rest of the community, insulting them
with lines like 'social disaster' and 'social experiment'
and wondering why they get angry.

It wasn't just the recent press reporting that provoked
this quick excursion into the history of public housing.
History and housing were two of the abiding passions
of Harvey Volke, the late editor of this paper, who died
suddenly early in the new year. No one knew better than
Harvey how to bring the lessons of history to today's
struggle for housing justice, and certainly none have
carried on the struggle with the same measure of good-
humoured guile and brilliant ratbagery. This
edition of the Tenant News is dedicated
to his memory. ★



I've just received a Notice of Termination. I can find somewhere else to live, that's not the problem. I have significantly improved the house while I've been here. I am a builder by trade. Over the last four years I have substantially renovated this house. The place was very shabby when I moved in. The rent was low and has stayed low. The landlord has provided the major materials but I have done the work. My material contribution has only been nails, screws, glue and filler. I have put many hundreds of hours into the place. I have done a great job, but now he wants to live here himself and deprive me of the benefit of my work. What can I do?



The Residential Tenancies Act 1987 (NSW) does not actually provide you with a remedy for what you will lose to the landlord. The closest it goes is section 27, which deals with alterations and additions by the tenant. Section 27 says that a tenant must have the landlord's prior written consent to make alterations or additions. It also says that a tenant may not remove any fixture without consent and is responsible for restoring the premises to their pre-alteration/addition state if they do remove it.

The process to get compensated for fixtures left at the end of the tenancy is:

First, ask for the landlord's consent to remove the fixture.

If the landlord does not give consent, then you can demand payment of the value of the fixture and apply to the tribunal for an order for compensation within 30 days.

For compensation orders, depreciation of fixtures will be taken into account.

But, if the landlord consents to removal of the fixture,

The Tenants Union Hotline operates between 9.30 am–1 pm, and 2 pm–5 pm on weekdays. A tenants adviser can provide information over the phone, or may refer you to your local tenancy service. Freecall 1800 251 101

From the Hotline



you have to consider whether it is worth removing the fixture and doing (or paying for) the restoration work. Fortunately, consent to remove does not compel removal. Often, restoration is not possible.

As you can see, the section 27 system works best with discreet valuable objects like air conditioners. Section 27 does not deal well with distributed small objects and commodities like nails and glue that are not worth a lot of money. Section 27 does not deal at all with the value of your labour and expertise. It will not take account of the value you have added to the premises.

As the Residential Tenancies Act does not deal well with your situation, you should get legal advice about any other possible way of recovering for the value you have given to the premises. ★

Urban renewal or development whitewash?

Public housing tenants and the Redfern-Waterloo Authority

The Redfern-Waterloo Authority is a newly-created, statutory body responsible for promoting, facilitating and managing the development and renewal of the Redfern-Waterloo neighbourhood into a vibrant community.

by Ambrith Abayasekara

It has been described as a new and radical approach to local governance but the word "local" is used here in its most general sense. The Redfern-Waterloo Authority Act gives power, not to locally elected members, but to the Minister administering the Act, Frank Sartor, to make decisions without transparency or any guarantee of community consultation. This decision-making power is very broad and includes the ability to compulsorily acquire property, remove Board members from office at any time and to override heritage laws by declaring development state significant.

Redfern and Waterloo are poor communities characterised by low-income families, high levels of unemployment and crime and the highest concentration of public housing tenants in New South Wales. The Authority aims to renew the area through the use of public-private partnerships giving private developers significant input into the redevelopment of the area.

The fate of public housing tenants, however, is very uncertain. Community renewal through job creation, private investment and housing improvements are needed but the omens do not bode well.

Since its conception, the Authority has been cloaked in secrecy evidenced by the quick passage of the Act through Parliament, the leaking of development plans for the area and unclear motivations behind its establishment. These

motives range from growth of the CBD to controlling local government to gentrification of the area and as a response to the catchcries of "bulldoze the block" that accompanied the Redfern riots over a year ago.

The Government has said that it has no plans to redevelop or reduce the quantity of public housing in the area but has made it clear that the Authority will investigate "renewal" of public housing estates. It is unclear what this renewal might entail but, according to leaked details of the Government's 10 year plan, this may involve tearing down the Waterloo (public housing) towers and injecting 20,000 new private residents into the area to "balance out" the public tenants and improve the "social mix".

This will apparently be complemented by employment creation and infrastructure development funded through the sale of public assets.

Perhaps the most alarming aspect of the Act is its derailment of democratic process through its top-down approach of community renewal without community consultation. Thus while it is a requirement of the Act that the Authority consults with government agencies including the Department of Housing, there is no similar obligation to consult with community groups such as local residents or tenants groups. The vesting of so much power in one man has provoked one writer and former Sydney City Councillor to compare it to Robert Mugabe's Land Acquisition Act 2001.

This is of no greater concern than to the indigenous

community in the area and particularly to indigenous tenants. Whilst the Government has said that it will not compulsorily acquire the Block, leaked plans indicate that it aims to take effective control of the Aboriginal Housing Company, which owns the Block and other Aboriginal homes. Such an approach would circumvent Aboriginal self-determination and ignores the Block as a place of political, spiritual and cultural significance.

Furthermore, as a condition of redevelopment, residents could be faced with stricter tenancy agreements such as the requirement that they remain drug free. Such practices would not only be oppressive but would also be discriminatory, imposing a set of conditions on one group of tenants in the provision of their human right to housing.

Whilst tenants in Redfern-Waterloo wait to discover their fate, comparisons can be drawn with the controversial redevelopment of public housing estates at Minto in the southwest of Sydney. Residents there are deeply divided as houses are being destroyed, community ties severed and tenants kicked out.

But as the development money rolls in, tenants shouldn't hold their breath.

For future updates refer to the Redfern Legal Centre website where there is a space currently under construction for reports and developments: www.rlc.org.au ★



Harvey Volke, The

With the news of Harvey Volke's passing, the TAAP (tenancy advice and advocacy program)

Regardless of whether you knew Harvey only in passing, or counted him among your good friends, as I did, I'm sure all will agree that Harvey was a unique individual. Completely without pretence, he was a cynic, a romantic - a scholar and philosopher - a dreamer and a dag. Who could ever forget his signature bum-bag, worn even with formal attire.

Harvey was absolutely dedicated to genuine Tenant Participation too, never doubting for a moment that tenants had within their own ranks, people who knew the solutions to the problems bureaucracies struggle to understand, much less address.

Harvey's brash exterior hid a heart of solid gold, a brain the size of a small planet and the whole unassuming package was fuelled by enough raw enthusiasm to power a city.

Garry Mallard, Coordinator - National Tenant Support Network

"someone who deepened your understanding of social justice, generously shared their insights about important subjects and took to the struggle with equal measures of passion and fun."

Hi all - I had lunch with Harvey last thursday 6th at Oscar's in Thirroul. I thought you might like to know that he was in excellent spirits and our discussions ranged from ourselves to the wider world with Harvey, as always, insightful, candid and good humoured. He was enjoying his holiday at a friend's house in Austinmer. Though his friends were away at the time he was a regular there and much a part of their family. I know they feel terribly sad. He'd been over to the Sandon Point picket to visit and had been swimming in Austinmer sea pool with his special new goggles. Our conversation was delivered at full volume of course with some adjustment of hearing aids and at times I worried that everyone might have been listening in. I know Harvey wasn't worried though and I was struck anew at the time by his ability to see things in such perspective, his generosity of spirit and capacity to enjoy the moment.

Shauna, Tenancy worker - Illawarra.

Harvey swore quite a lot. Perhaps it was a product of what must have been a conservative background in the church. He told me once 'Australia was soooo booooring in the 1950s'. He embodied a particular mix of rebellion, reflection, temper (Harvey and photocopiers, printers and many other electronic devices did NOT mix), goodwill, polymathicity (if that is a word) and dedication which made him so well liked.

Hazel Blunden, Policy and Liaison Officer Shelter NSW

Harvey was not only a community activist: He cared for people as individuals, and many of us have benefited from that special bit of attention from Harvey at a time of bother or need.

Mary Perkins, Executive Officer, Shelter NSW

When I first encountered Harvey, I didn't know who he was or what he did - this was some time before my association with the TAAP Network. I was in the bookshop, Gleebooks, in Sydney when they were launching a new book about social housing and hosting a discussion on its history and future. Harvey (though I did not know his name at this time) was in the audience, and was as much a contributor to the discussion as any of the persons on stage. At one point he wrapped up debate on a particular issue by concluding, 'of course Bruckner [or some other long-forgotten State politician of the 1920s] was the worst Housing Minister that New South Wales has ever had, with the probable exception of Joe Schipp!', and I can still remember thinking: 'This bastard's nuts!'

Chris Martin, Policy Officer, Tenants' Union of NSW

I first met Harvey in the second half of the 1970s. He was a journalist with a suburban newspaper called the "Guardian" which circulated in the Inner West and South Sydney. I was working for South Sydney Community Aid and active in the Tenants' Union. I fed him a story about a local real estate agent. Harvey ran it on the front page with the headline: "AGENT'S LOCK-OUT: ACCUSED". Harvey reproduced letters from the agent to the tenant. The first stated: "If you fail to pay rent by 12pm Wed I advise you to pack up all your belongings + MOVE OUT. It is going to get rough for you." The second stated: "The owner has now changed your locks ..." Harvey was sued \$30,000 by the real estate agent for running this story. This was the maximum amount obtainable at the time for action commenced in the District Court. Of course, Harvey was not intimidated. Harvey had a powerful sense of social justice. The real estate agent withdrew the court action.

I worked with Harvey both in Department of Housing for 2 years and at Western Sydney Tenants' Service for around 8 years. I for one - and I believe all of us - will miss Harvey's informed perspective on the development

of contemporary housing policy in Australia and NSW in particular. He had a sharp and critical mind ... and he was able to convert this to paper in no time in a very readable form ... a legacy of his journalist days. Harvey often edited documents (including theses!) for his friends with the added bonus of his perspective on an issue. Whilst at WESTS, we all gained from him a broader understanding of the context in which we worked. Harvey had a great knowledge of language. Harvey and I used to shout at each other when working together in the Department of Housing. In those days hearing aids were very basic. Other staff complained about how loud we were. Harvey erected a sign entitled "Noise in the Office". It read: "1. Staff affected by hearing disability wish to express concern at complaints about the level of noise in the office ... 2. Unfortunately it is a characteristic of audial disability that people find it difficult to hear what is being said without an increase in the level of sound. ... It is further a characteristic of audial disability that sufferers tend to speak and laugh more loudly as they are unable to hear themselves. 3. ... it would seem that equal opportunity would dictate some greater level of acceptance of the effects of this disability. 4. ... 5. ... 6. Given the above situation, the end result of efforts to reduce noise levels may well prove to be effective floccinaucinihilipilification."

Robert Mowbray Western Sydney Tenants Advice and Advocacy Service

"Harvey was a unique individual. Completely without pretence, he was a cynic, a romantic - a scholar and philosopher - a dreamer and a dag."

I distinctly remember a tenancy network meeting, possibly in 1998, where Harvey heckled cheerfully from the back of the room - often throwing in cynical interjections about public housing. I was a bit shocked and in awe of Harvey's liberal use of swear words.

Polly Porteous Director Combined Community Legal Centres Group NSW

It is truly noteworthy to be able to say that for over 20 years of your working life you were lucky enough to work with someone who deepened your understanding of social justice,



Tenant's Fighter

email list was flooded with tributes to our former colleague. Here are just a few of those.



generously shared their insights about important subjects and took to the struggle with equal measures of passion and fun. To know someone who embraced collaborative work and understood the true value of standing in solidarity against bureaucratic unfairness, was inspiring. At a time when 'weasel words' wear away at our spirit and the attacks on the poor are relentless, you can be lucky enough to experience true comradeship. I feel lucky to have known Harvey Volke. Vale Harvey.

Sharon Callaghan

It's a sad day comrades, I am not sure how many of our Qld comrades knew Harvey but I will be telling them that we have lost a colleague who embodied everything that is essential to being a true comrade. The lot of New South Wales tenants is considerably brighter for Harvey's passion and vision. Harvey - you will continue to inspire me to strive for social justice as you have always done. I join with my old New South Wales TAAP mates and pay tribute to a mate who gave me the courage and cheek to reclaim the word comrade. Thanks Harvey,

Peter Mott

He was a profound thinker, a great storyteller, a bloody hard worker and a hell of a lot of fun.

Deidre Dowsett, Northern Rivers Tenants Advice Service

I will miss Harvey very very much. I used to call him Harvest Moon. He was the real deal and the world will be a lesser place without him. No doubt he will be arguing the point with God.

Denise Steele, Older Persons Tenants' Service (OPTS)



continued from page 1

Rumi to Rimbaud, from Messiaen to Arvo Part, from the theatre of Brecht to the novels of Tim Winton. He adored history, in that it told of human struggle and human triumph and he completely savoured it all from the very mundane to the most extraordinary. For someone who might appear brash, and at times linguistically deprived, he was an incredibly well read and highly cultured person, without any sense of pretence, or of being above it all – in fact quite the opposite – very gutsy and down to earth. When he received a little bottle of absinthe from France with its special ritual, he recognised it precisely for what it was, a metaphor of connection with turn of century artists and poets, writers and visionaries, whose talents had pushed the boundaries of genius and sanity – Harvey was delighted!

A most admirable trait was Harvey's capacity for great loyalty and support, which was most generously given to friends. His dedication to his partner Poppy who died of cancer three years ago, highlighted his most

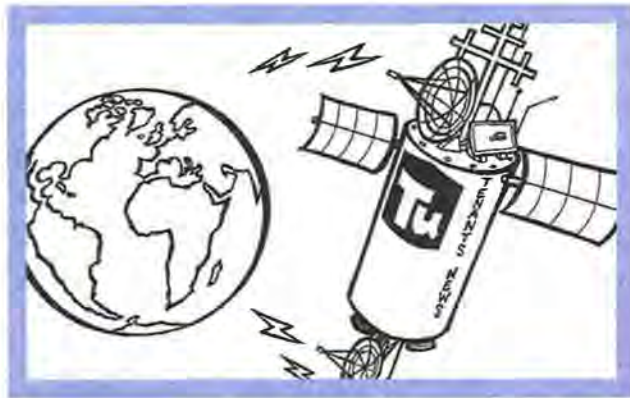
extraordinary sense of commitment and capacity for great patience. There was no here-after in his world view, only the moment and he made every instant precious and meaningful, whilst retaining a wry yet philosophical sense of humour. The week before his passing, Harvey's car died – there must have been an extraordinary synchronicity there - the car guessing more than any of us did. In his last week he was buoyant – cheerful, forever the enthusiast, animated in conversation and looking forward to the next day, the next word or phrase that might shock someone unsuspectingly. He loved his children, he loved his work and all that his maverick life represented. He loved people, he loved travelling, he loved films and music, theatre and writing, wine and good friends, he loved living, as he reached the sum totality of his past in an extraordinary life. His death was surreal – his life robbed so very suddenly by an aneurism, a clot. He would have thought that funny in a way. So completely unpredictable – yet leaving him in a state of deep tranquillity. In our minds he is left in a time-frozen frame – looking into dreams of a more socially just future. Harvey is a person we all remember

as family, whom we admire for his deep compassion and are grateful to for his extreme sense of irreverence and colourful humour. Our heartfelt sympathies go to his family and relatives, colleagues and friends and to all those who have had the pleasure of knowing him. We will all greatly miss him and his invaluable contribution. He was indeed a bastion of humanity.

Karine Shellshear – friend and colleague.



Tenancy News Across the Globe...



Housing Rights Awards

Sudan, The USA and Russia were named in the COHRE (Centre on Housing Rights and Eviction) 2004 Housing Rights Violator Awards on 24 November last year for their systematic violation of the human right to adequate housing and continued failure to abide by their International legal obligations.

The US was named for its high homelessness rate, criminalisation of homelessness in nearly fifty states and for indiscriminate bombing in Iraq, destroying thousands of homes. Russia was named for the forced repatriation of more than 100,000 Chechens, without providing them with adequate shelter. Sudan joined the list for its Government's support of the Janjaweed militia's scorched earth policy, which has caused the mass displacement of nearly two million people in Darfur.

The Housing Rights Protector award went to the municipality of Sao Paulo, Brazil, for its innovative Barrio Legal Programme, providing legal title to land for 45,000 families and improved living conditions for 210,000 families through improved infrastructure.

(source: COHRE Housing Rights Bulletin, Dec 2004, www.cohre.org)

Un Considers Measures To Help Refugees And Displaced Persons Return Home

According to the UN special Rapporteur on Housing and Property Restitution, Mr. Pinheiro, there are currently 12.4 million refugees and an additional 25 million internationally displaced persons (IDP's) worldwide who have experienced loss of land, housing and property. Pinheiro told the sub-commission that for a majority of refugees and IDP's "returning home in safety and dignity is often seen as the most desired, sustainable, and dignified solution to displacement."

Mass Displacement And Forced Evictions Continue In Sudan

Since February 2003, the Sudanese government has attempted to counter an insurgent campaign in Darfur by providing arms to the Janjaweed militia. This has resulted in attacking and burning of villages, killing thousands of civilians, raping women and looting property, which has led to the displacement of more than 2 million people. The militia is composed of fighters of so-called "Arab" background, and was allegedly established to quell attacks by rebel groups who claimed the government was oppressing several black African tribes. The terms "Arab" and "Black African" relate to linguistic, tribal or lifestyle distinction rather than ethnic distinction. "Arab" Sudanese being predominantly nomadic pastoralists and "black African" Sudanese being predominantly sedentary farmers.

Quotable Quotes

REA (Real Estate Agent) asks advocate, "What's that you keep referring to?!" - it was the Residential Tenancies Act of course!! Elizabeth De Freitas, Marrickville Legal Centre

"a couple of old ones Phoenix told me: The tenant had asked for a key to the letterbox and the REA said they posted it to them weeks ago.. The other one was a tenant complaining about the roof leaking and was told not to worry, it would stop when it stopped raining.." Jacqui Swinburne, Redfern Legal Centre

I had an REA say 'What's that book you've got- would I have that book back at the office?' As it was the Residential Tenancies Act, one devoutly hoped so! Cecilia Lenagh, Mid Coast Tenant Advice Service

REA to tenant: "Who told you that you can put in your own claim for the bond? You know it's against the law to claim your own bond. You can be fined for that." The lengths some people will go to! Sandra Ward, Mid North Coast TAAS

How about the agent who said, "just because the rental ledger does not show any rental arrears does not mean that there aren't any." Denise Steele, Formerly of Older Persons Tenants' Service (OPTS)

Please send your quotable quotes to tenantnews@fcl.fl.asn.au

...and Around Australia

A.C.T. Residential Tenancies Legislation To Be Enhanced

A.C.T. Chief Minister, Jon Stanhope introduced legislation in February this year to make amendments to the Residential Tenancies Act 1997 aimed at regulating tenancy databases and provide protection to tenants who have had personal information listed on a tenancy database.

The information that can be listed on a public tenancy database will be restricted and the Residential Tenancies Tribunal may order changes be made to a database and compensation paid to anyone who has suffered loss.

"There are significant privacy issues arising out of the current operation of tenancy databases, including consumers not being aware they have been listed and limited opportunities for tenants to access, correct or update information concerning their rental history. Tenancy databases can have potential adverse impacts on disadvantaged tenants' ability to access housing in the private rental market," Mr. Stanhope said.

Other changes made by the legislation include power for the Residential Tenancies Tribunal to evict a tenant who is seriously or continuously interfering with a neighbor's quiet enjoyment of their property. This amendment is consistent with an existing standard clause in residential tenancy agreements which states that a "tenant shall not interfere, or permit interference, with the quiet enjoyment of the occupiers of nearby premises".

The legislation also clarifies when an eviction may occur. Unless there are exceptional circumstances an eviction shall only occur between the hours of 8:00am and 6:00pm Monday to Thursday (except for Public Holidays).

[Source: Act Chief Minister - John Stanhope Mla - Monday February 21 2005]

VICTORIA Tenants Suffer Due To Potentially Illegal Action Of Real Estate Agents

Tenants throughout Victoria are paying unnecessary bank fees, being forced to purchase money orders and generally being frustrated in their attempts to pay their rent due to the action of real estate agents refusing to accept cash. The Tenants Union of Victoria believe that a real

estate agent must accept cash as payment for rent unless the tenant has agreed to only pay by other means. Tenants who are forced to pay by other means and have not consented through a clause in their lease or a written agreement with their landlord can apply to the Tribunal for an order requiring their landlord to accept cash. "The Tenants Union of Victoria calls on the Real Estate Institute of Victoria to ensure that all Real Estate Agents act within the Residential Tenancies Act and Fair Trading Act and not apply unfair terms or unilaterally change terms that cause detriment to tenants. We would also encourage Consumer Affairs Victoria to ensure that this information is endorsed by them and passed to agents." (10 February 2005, Tenants' Union Victoria Press Release)

Tenant News Showcases:

Our mystery cartoonist strikes again



Tenancy Crossword

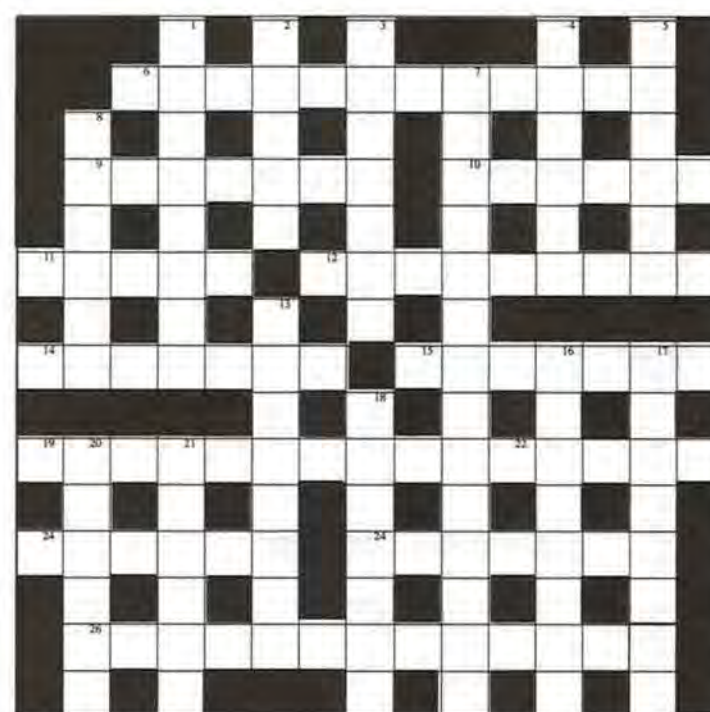
ACROSS

6. subsidy paid by the Department of Housing (6, 6)
9. official permission from the Office of Fair Trading to conduct business as a real estate agent (7)
10. join the armed forces (thereafter to live in Defence Housing) (6)
11. mixed with gin, a refreshment enjoyed by sophisticated tenants (5)
12. Tribunal proceeding commenced before a Member and adjourned (4, 5)
14. intrinsic nature or features of a thing, eg as the accumulation of profit

- is to private landlordism (7)
15. see 3 down
19. rendered a record of transactions, eg rent payments (9)
22. landlord's nose (5)
24. hardy tree, sometimes found in tenants' gardens (6)
25. to substitute, eg an object that has been damaged (7)
26. the taking back of a property (12)

DOWN

1. discover by seeing or hearing, eg through inspecting premises before completing the condition report (7)
2. classic Australian movie about bikers living in a squat (5)
- 3 down, 15 across. unlawful eviction (7, 7)
4. holder of goods left uncollected at the end of a tenancy (6)
5. landlord (6)
7. keenly contested feature of the Tenants' Union's Annual General Meeting (8)
8. watery disasters that can drive tenants out of their homes (6)
13. disgraceful actions or events, eg Department of Housing officers taking bribes from Priority Housing applicants (8)
16. a type of court; animal with built-in accommodation for youngster (8)
17. not utilised, eg some real estate agents' copies of the Residential Tenancies Act (6)



18. sagacious, eg like a tenant advocate (7)
20. Roman orator, legal philosopher and property owner (6)
21. reside in (6)
23. involuntary action, eg a tenant's shudder upon receiving a rent increase notice (5)

Solutions to December Crossword

R	E	N	T	L	A	N	D	L	O	R	D			
E	O			G	O	V	O							
L	I	S	T		R	E	I	N	D	E	E	R		
A	E			U	N	D	E	N		M				
T	E	C	H	N	E	T	I	U	M					
I	O			B	S	N	B		S					
V	E	N	I	A	L	E	S	C	R	O	W			
E	E			L	C	T	I	E						
				B	A	N	A	N	A	C	A	K	E	
S	S			N	R	N	N	T						
T	H	A	T	C	H	E	R		Y	E	T	I		
U	G			E	E			N	E					
B	O	A	R	D	E	R	S		L	O	S	S		



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	4628 1678 or 1800 631 993
Eastern Suburbs	9386 9147
Western Sydney	9891 6377 or 1800 625 956
Northern Sydney	9884 9605

Coastal

Illawarra/ South Coast	4274 3475 or 1800 807 225
Central Coast	4353 5515
Hunter	4929 6888 or 1800 654 504
Mid Coast	6583 9866 or 1800 777 722
Northern Rivers	6621 1022 or 1800 649 135

Greater Western NSW

North West	6772 8100 or 1800 836 268
South West	6361 5307 or 1800 642 609

Specialist

Older Persons Tenants' Service	9281 9804
Parks and Village Service	9281 7967

Aboriginal Services

Western NSW	6882 3611 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	1800 251 101
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www.tenants.org.au

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



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