



# TU tenant news

Free newspaper of the Tenants' Union of NSW

Issue 80 December 2005

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## New Year, New Renting Laws

by Chris Martin

### New Renting Laws for 2006

The NSW Office of Fair Trading recently released a tenancy law reform options paper, paving the way for significant changes to NSW renting laws. The Office of Fair Trading says that once the Government has considered responses to the paper, legislation amending the Residential Tenancies Act could be presented to Parliament in the first half of 2006.

The paper raises scores of options for law reform, including special exemptions for long fixed term tenancy agreements (see article below), new provisions relating to rent arrears and evictions, and even a change in the terminology of 'landlord and tenant.'

Disappointingly, the options paper expressly does not consider giving enforceable rights to boarders, lodgers and other renters who are not covered by the Residential Tenancies Act, or regulating tenant databases.

The Tenants' Union supports some of the options proposed, and recommends strongly against others. The TU's full response to the options paper is available from the TU's website:  
<http://www.tenants.org.au/policy/newsmedia/lawReformOptionsPaper.pdf>

### Laws For Long Fixed Term Tenancies – Why They Aren't The Answer

Of the all the options presented in the Office of Fair Trading's paper on residential tenancy law reform, the one that has received the most attention is that relating to long fixed term tenancy agreements. The Office of Fair Trading has suggested that changing the law to make agreements with a fixed term of more than 10 years exempt from some or all of the usual provisions of the Residential Tenancies Act, particularly the provisions relating to repairs and rent increases, may encourage more long fixed term agreements and greater security for tenants.

The TU disagrees. It is true that there are currently few tenancy agreements with a fixed term of more than 12 months, but this is not because of the law. Under the current law, landlords and tenants can, if they choose, enter into long fixed term agreements, and the law does not discourage this: tenants' rights do not accrue or increase with the passage of time, and there are no provisions in the Residential Tenancies Act that are contingent on the length of a tenancy. The real reason why there are few long fixed term agreements is not the law, but rather the structure of the New South Wales rental property market.

Consider the following features of our rental market:

- Most landlords own only one rental property. According to the 1997 ABS survey 'Household Investors

### The Law Reform Options At A Glance: The Good, The Bad And The Ugly

The following are just a few of the options considered in the paper. See the TU's response to the options paper for a discussion of all the options.

The Good	The Bad	The Ugly
Allowing tenants to seek reimbursement of overpaid rent.	Changing the terminology of 'landlord and tenant' to 'lessor and lessee'.	Removing vulnerable tenants from the coverage of the Residential Tenancies Act, such as tenants living in refuges, and tenants in share houses who do not have a written lease.
Allowing tenants to make reasonable alterations and fixtures.	Extending the standard form of agreement to include more additional terms.	Allowing certain types of landlords to include terms in leases that would contravene a tenant's right to quiet enjoyment.
Improving the rights of tenants in cases where a mortgagee takes possession of the premises.	Reducing either the number of days a tenant may be in arrears before a landlord may give a termination notice, or the period of the notice.	Placing the onus on the tenant to apply to the Tribunal to stop an eviction, where a landlord has given a termination notice for rent arrears.
Allowing former tenants to seek compensation when the landlord unlawfully disposes of the tenant's goods.	Paying tenants no interest on their bond monies.	Removing the discretion of the Tribunal in determining 'no grounds' evictions.

in Rental Dwellings', 76 per cent of landlords owned only one investment property.

- Rental properties are usually geared to realising capital gains rather than rental income. In 2002-03, the total cost of investing in rental properties (measured in tax deductions claimed by landlords) was \$1.37 billion more than the total amount of income generated by these properties in rent. Generally speaking, landlords make money through rising prices and sales, rather than through rents.

- The market for the sale of rental properties is integrated with that for the sale of properties for owner-occupation. That is, rental properties are frequently sold into the owner-occupier market, and vice versa. Research by housing economists Judy Yates & Gavin Wood has shown that 40 per cent of dwellings in the private rental market in 1991 were no longer there in 2001.

Taken together, these factors are the real cause of insecurity in the rental market: individual landlords with only one investment property, seeking to make money through judicious sales rather than rents, marketing the property both to other investors and to owner-occupiers, and keeping open their options to transfer the premises with vacant possession.

This market structure and pattern of investment is shaped primarily by tax policy, and in particular the negative gearing

provisions and the concessional capital gains tax rate. It is not likely to be substantially affected by giving landlords the opportunity to contract out of their obligations to do repairs. The sorts of investors the governments' tax policies have encouraged into the rental market are more interested in being able to terminate tenancies when it suits them to realise their gains.

The TU believes that if a landlord and a tenant each want to enter into a long fixed term agreement, that's fine. However, in the rental market as it is currently structured only a relatively small number of landlords would be interested in offering long-term fixed term agreements. We also suspect that relatively few tenants would be interested in signing one, either because they prefer to retain their mobility or because they are cautious as to entering into an especially onerous, long-term agreement with a landlord they do not know well and in relation to a property that they do not know well.

Security and dignity in rental housing would be better delivered by tax policies that encourage landlords to enter into long-term fixed term tenancies in return for targeted tax expenditures and other subsidies, rather than by tenancy legislation that allows landlords to offer long-term fixed term agreements in return for a tenant's right to live in premises that are properly maintained and repaired.



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

**Tenant News Coordination & Layout Design**

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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.

**Vision**

A society in which people in New South Wales are able to access safe, secure and affordable rental housing.

**Values**

The Tenants' Union applies the following values to the full range of its activities:

- A belief that all people have a right to safe, secure and affordable rental housing
- A belief that social justice is critical to the health of any society
- Commitment to efficient use of public funds to promote just housing outcomes for people in NSW
- Commitment to engaging the tenants of NSW in the running and direction of a democratic, responsive and constituent-

based tenancy organisation

- Commitment to ensuring that those groups within NSW who are particularly disadvantaged, such as Aboriginal and Torres Strait Islander communities, people with disabilities, vulnerable youth and the aged are able to access the services of the Tenants' Union
- Commitment to working collaboratively with government, tenancy organisations and other community-based groups to promote equitable housing outcomes for the people of NSW
- Commitment to ensuring a productive workplace that promotes occupational health and safety for employees

**Mission statement**

The Tenants' Union seeks to promote a secure, affordable and appropriate housing environment by representing the interests of all tenants and other renters in NSW & by working towards just and sustainable solutions to housing problems.

**We do this by:**

- Engaging tenants in a democratic organisation
- Raising awareness of tenants' rights, developing policy solutions to housing problems & conducting lobbying & law reform activities in support of better housing
- Providing quality legal advice and information services to tenants in NSW
- Supporting the work of tenancy organisations
- Operating an efficient & productive secretariat

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.

**Tenants' Union Board of Directors**

David Vaile (chair) Sean Dugan (treasurer)  
 Joe Mannix (secretary) ordinary members:  
 David White, Barbara Bee, Ruth Simon, Jim Allen and Peter Hollweck

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**Tenants Rate a Mention**

Here are a few tenancy stories which made it into NSW media in the last few months. Please feel free to send the TU your media stories, especially from radio, TV or regional newspapers.

**Iemma's 'Light On The Hill'**

"My point of passion and conviction is to commit myself to making progress on three areas of social policy" ...public and affordable housing is on the agenda... 'these are matters of simple decency. We have allowed these issues to slip off the broad political agenda."

*Premier-designate Morris Iemma's inaugural statement, 2.8.05*

**Paying Premium Rent For Leaky Rooms**

A number of Alexandria tenants experienced a host of maintenance problems in their modern apartment complex. Ms Caldwell a tenant of the complex said "when I moved in it was seemingly fine but then the rain came... One room in particular the walls are literally rotting"

Ms Caldwell went to the Consumer Trader and Tenancy Tribunal to force the landlord Arkbay Investments Pty Ltd to carry out repairs.

*Sydney Central – 3.8.05*

**Share Housing, Shonky Landlords And Bad Flatmates**

When two flatmates William McLean and Tom Richardson were evicted from their house, they could only get another place when "Mr McLean's father offered to pay a landlord six months rent in advance." Redfern Legal Centre and the Sydney University Student Representative Council have put together the Share House Survival Guide. It has legal and financial advice about what to do if you have a problem when you are sharing a flat or dealing with a dodgy landlord.

*The Australian 10.8.05*

**The Ten Year Public Housing Plan**

The opposition housing spokesperson has criticised the Government about the lack of public housing. Minister Cherie Burton said, "The current strategy involves the Government building, buying and upgrading up to 30 000 new homes over the next 10 years". She followed up by highlighting that the Government's public housing reform agenda is targeted at the most needy and disadvantaged people.

*ABC Online 17.8.05*

**Alan Jones's supports Redfern's 'The Block' Pemulway Project**

Alan Jones has thrown his support behind the Pemulway Project. The Aboriginal Housing Corporation (AHC) wants to replace run down terraces with

*...continued on pg 4*



# Roads & Traffic Authority, Not the Crown!

by Philippa Davis

On 26 May 2005, Marrickville Legal Centre had its first experience representing a client in the High Court of Australia, when we acted for tenant, Jill McNamara, in a case involving the rights of protected tenants in NSW.

In October 2000, the Roads and Traffic Authority of NSW (RTA) as landlord, attempted to evict Ms McNamara from the house she had rented since 1981 by serving a 60-day termination notice. When Ms McNamara failed to comply with the notice, the RTA applied to the Consumer, Trader and Tenancy Tribunal (the Tribunal) for an order terminating the agreement and an order for vacant possession of the premises.

Ms McNamara argued that the Tribunal lacked jurisdiction to hear the landlord's application because she was protected by the *Landlord and Tenant (Amendment) Act 1948*. The 1948 Act applies where the property was built before 1954, the tenant moved in before 1986 and no lease was registered with the Rent Control Office. While protected tenants can still be evicted, there has to be "good reason" for the eviction thereby affording stronger protection to these tenants than those covered by the *Residential Tenancies Act* which allows a landlord to serve a "no cause" termination notice at the end of a fixed term tenancy.

In response, the RTA claimed that it is "the Crown" and therefore immune from the provisions protecting tenants in the *Landlord and Tenant (Amendment) Act 1948*.

The Tribunal found that the words in the RTA's head legislation, the *Transport Administration Act 1988* - that the RTA was a body corporate representing the Crown for the purposes of any statute - meant that it was the Crown for the purposes of the 1948 *Landlord and Tenant (Amendment) Act*. In coming to its conclusion, the Tribunal rested on *Wynyard Investments*, a 3 to 2 decision of the High Court in 1955, which determined that the Railways Commissioner, with similar words supporting him, was the Crown for the purposes of the 1948 Act.

Ms McNamara appealed the Tribunal's decision to the NSW Supreme Court and then the Court of Appeal. In February 2005, she was granted Special Leave to appeal to the High Court with a hearing date in May 2005 in Canberra during which the Court heard full argument from the parties on the subject of whether *Wynyard* was still good law.

On 29 September 2005, the Court handed down its judgement where, by a 5-1 majority, it

allowed the appeal and held that the RTA is not entitled to the statutory rights and immunities of the Crown in all its functions, and could not escape the operation of New South Wales legislation covering landlords and tenants. Accordingly, it ordered that the matter be remitted to the Tribunal to be determined according to law. For the full text of the judgement see <http://www.austlii.edu.au/au/cases/cth/HCA/2005/55.html>

In practical terms, Ms McNamara has been spared an eviction and, just as in the movie "The Castle," with which so much of this case resonates is entitled to remain in her home.

Whilst this case was instrumental in upholding the particular right of our client to remain in her home, it also provided the opportunity to effect the rights of other protected tenants in NSW and more generally, to provide some clarification on the contentious issue of crown immunity. It was also an opportunity to demonstrate the work of community legal centres in undertaking public interest test cases whilst representing the interests of disadvantaged and marginalised people in our communities.



\*Philippa Davis is a Solicitor with Marrickville Legal Centre

## Illawarra Legal Centre A Champion For Consumer Rights

On the 22nd of November the Office of Fair Trading presented the Illawarra Legal Centre with two awards. The awards recognise the Centre's work in promoting the legal and consumer rights of the African community in the Illawarra.

Many recent African arrivals in the Illawarra are very new to how the system works in Australia. Jillian Chapman, Community Legal Education Worker at the Centre said "Many don't know what a credit card looks like, let alone a lease".

The Centre worked in partnership with the African community and other organisations of the local area to develop an innovative theatre project.

The theatre project used actors to present a recognisable story for people to follow. The actors would freeze the story at certain points and the audience could participate in the storytelling.

The theatre project covered areas such as social security, tenancy and credit and debt issues.



Above: Left to Right, Shauna Wilkinson, The Hon Diane Beamer (Minister for Fair Trading) Jillian Chapman

## Don't Let Your Landlord Rip You Off!

**The Tenants NSW website contains a lot more information about tenancy issues. Including, latest news, fact sheets, contact information for your local service and much more!**

[www.tenants.org.au](http://www.tenants.org.au)  
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# Be Careful What You Wish For

An open letter from Grant Arbuthnot, Principal Legal Officer, Tenants Union of NSW to Tenants of NSW Public Housing

Recently, I attended the NSW Social Housing Tenants Conference 2005.

Minister Burton's strong rhetoric received a warm reception.

Tenants of Public Housing have by this behaviour and past acts given permission for the making of law that places you at a disadvantage before your landlord and in comparison with private tenants.

The power to evict you has been given to your landlord such that the application of external standards and independent scrutiny are difficult or impossible to obtain.

The idea that 'if you have done nothing wrong you have nothing to fear' is false.

Unaccountable systems make grotesque mistakes for which there may not be effective remedies. You need look no further than the Australian Immigration Department for examples.

If the power your landlord has can be used against your (bad) neighbour on your say so; cannot it be used against you on their say so?

For so long as you will ask to have your neighbours evicted, the NSW Government can be complacent. While you are divided into good and bad tenants, you will experience business as usual from your landlord.

Do not think that evicting (bad) tenants will solve the problems experienced in estates. The poor buggers waiting to fill those vacated premises have the same suite of problems and disadvantages as those you want to remove.

Management by fear may produce exactly the opposite of the intended result. It will not surprise me if there is more damage, and injury, than we have seen already.

The problems you experience with (bad) tenants are social problems. They will not be solved by zero tolerance management or policing. They will not be solved by repression and fear.

They will only be solved when there is political will to make life worth living for people on low incomes.

This will cost money and take time. That time has not yet started. It is unlikely to start for you while you are asking to have your neighbours evicted.

**G Arbuthnot**

## Extracts from the Minister's address to the Social Housing Tenants Conference on Tuesday 1 November 2005.

My final priority is about making sure that public housing tenants respect their community. Recently you would have heard that the Lemma Government has undertaken a policy of zero tolerance to anti-social behaviour on our estates.

Having grown up in public housing, I believe that it was a privilege, And that all public housing tenants have the right to live in safety and comfort.

If a tenant wants to cause trouble, damage the house that the taxpayers of NSW provide for them, damage someone else's house, or disrespect their community, then our message to them is that they are not welcome in public housing.

When I was five my parents moved us into the public housing estate at Minto... To us, public housing was a privilege, Not a right.

Ladies and gentlemen, This is why I am so keen to drive the reforms of public housing. I want to work with you to make sure that good tenants have the chance to live in a strong community. And that public housing is fair, provided to those who need it most. And that is what Reshaping Public Housing is all about, Housing those most in need, while they are in need.

But we also want to make sure that we get the mix of public and private housing right on our estates, ... We're working on practical affordable housing solutions, and I'll be able to talk to you about the proposals in the near future. They are based on the principle that public housing is a hand-up for the future, not a hand-out for life.

This brings me to my final priority, the safety and comfort of public housing communities. I briefly outlined our zero tolerance policy earlier and although we can't regulate human behaviour we can work to help good tenants live in peace.

People who live in public housing have the same personal responsibilities as any other citizen. Caring for your home, Respecting the homes of others, and taking personal responsibility for your actions.

Over the next few months, I'll be rolling-out plans to make our public housing estates better places to live. We're cracking down on tenant damage, vandalism, Tenant fraud and anti-social behaviour. Public housing tenants have a mutual responsibility to the taxpayers of NSW who provide them with a home and I want to send the message that if their behaviour does not meet the standards expected of reasonable people they will be held to account. Having grown up in public housing I will not allow the actions of a few to brand an entire community.

The entire text of the Minister's address is posted on the website [www.tenants.org.au](http://www.tenants.org.au)



for Aboriginal families to secure housing. This is startling in light of the fact that two thirds of Aboriginal families are renters.

*ABC Online 25.10.05*

### Dogs Get Given The Boot

Bellingen Council has banned dogs from a housing estate near Bongil Bongil National Park, south of Coffs Harbour. The reason, the estate is next to prime koala habitat. Residents have until December to remove their canines.

*ABC Online 7.11.05*



continued from pg 2

62 new homes. Mr Jones said "It seems to me that the people here (AHC) have runs on the board.... You can't beat local knowledge."

*South Sydney Herald, Sept 05*

### Young People Leaving Sydney In Droles

Sydney is just too expensive. That is the verdict from young people who are leaving the city. Sian Thomas 33, moved to Melbourne 2 years ago "because she couldn't afford to live and study in Sydney." The Australian Bureau of Statistics reveal that out of 120,715 people who left Sydney last year 51,000 were aged between 15-34.

*Daily Telegraph, September 05*

### Aboriginal Homelessness A National Shame

The Australian Institute of Health and Welfare reported that Aboriginal homelessness is well above the national average. Aboriginal homelessness rates are 3.5 times higher than in the general community. Researcher Fadwa Al-Yaman said "10% of Indigenous households were also overcrowded".

Many Aboriginal families experienced a poor state of repair and lack of basic services in their homes which pose a serious threat to health. For those Aboriginal families that rent about 50% are in public or community housing and only a quarter are renting privately. Discrimination in the private rental market can make it more difficult

## Tenant Trimups In The End

Shane Sturgiss

This article is about a 2 year and 7 month dispute between a tenant and Department of Housing (DoH).

In 2003 a DoH tenant was served a Notice of termination based on rent arrears of an amount in excess of \$20,000.00.

The arrears were a result of the DoH cancelling a rental subsidy and backdating it for 4 years, claiming that the tenant had another occupant in the premises.

The matter was taken to first level appeal and then onto a Housing Appeal Commission (H.A.C) application.

The H.A.C recommendation was that to settle the matter the tenant could pay off a much smaller amount of less than \$5000.00.

The DoH decided not to take on the recommendations and took the matter to the Consumer, Trader and Tenancy Tribunal (CTTT) for possession.

The CTTT gave leave for both parties to be represented by legal professionals. Nick Eastman from the Tenants Union of NSW was engaged by Hunter TAAS to act on behalf of the tenant.

The application for possession was dismissed as there was no evidence to indicate that the alleged unauthorised occupant (now deceased) resided at the premises. In fact, DoH housed the person (for a short time) they claimed was residing with this tenant.

DoH then applied for a second time to the CTTT to recover the claimed arrears of the full amount (over \$20,000.00) This application was withdrawn by DoH at hearing.

It was a very difficult couple of years for the tenant. The tenant had undergone surgery for cancer, her son also needed surgery and her sister was in a coma for three months after being hit by a car. The tenant fell into arrears due to her family allowance changing.

After fighting DoH for the past two years, I was fearful that DoH would end the tenancy on new rent arrears, I wrote to four local charities that assisted financially to pay out the current arrears and again save the tenancy. Before the current arrears were paid, DoH had again applied to the CTTT for possession based on the entire rental arrears.

Before this matter came to final hearing, DoH put forward an offer of less than the original H.A.C recommendation. Due to the stress of this ongoing matter on the tenant, the tenant decided to accept the offer to repay an amount of less than \$3000.00 at repayment that were affordable to her.

A big thank you to Nick Eastman from the TU and to the following Newcastle organisations:

The Salvation Army  
St Vincent De Paul  
The Samaritans  
City Mission



Without the assistance of the above people such a successful outcome may not have been possible. ★

## From the Hotline

**I have received a weird letter from some solicitors have never heard of about my landlord having a mortgage and how I have to pay the rent to the solicitor's client. Attached to the letter is a page headed "Notice pursuant to section 63 of the Real Property Act 1900".**

**Is this for real? What should I do?**

Q  
A

This may be for real. Section 63 of the Real Property Act allows a mortgagee to get the rent from the tenant of a mortgagor if the mortgagor has defaulted on the mortgage contract.

First, a couple of basic things about mortgages. A mortgage is a form of security commonly given in relation to loan contracts for the purchase of real estate. Here's how it works:

- The borrower gives the mortgage and is called the mortgagor.
- The lender receives the mortgage and is called the mortgagee.
- If the mortgagor fails to pay back the loan according to the contract, the mortgagee can get repayment a number of ways, including by taking possession of the property and selling it.

It is also possible for the mortgagee to receive any rent from the property. The right to get the rent from the tenant (or the real estate agent) comes from section 63 of the Real Property Act.

Section 63 says that when a mortgagee gives notice to the tenant demanding rent, all the rights of the landlord about the rent are transferred to the mortgagee. This includes the right to give good receipts for the rent. So, a receipt from the landlord is no longer effective. This means that if the tenant keeps paying rent to the landlord, the tenant can still owe the money to the mortgagee.

To lawfully get the rent, a notice under section 63 must be given to the tenant with instructions for rent payment.



As you have received such a notice, I suggest that you:

- Discuss the matter with your local Tenants Advice and Advocacy Service.
- Contact the solicitor and satisfy yourself that the claim is real.
- Provide a copy of the notice to your landlord or real estate agent.
- Pay rent according to the notice until you are advised to stop.
- Keep all receipts for rent.

Also, ask the solicitor what intentions the mortgagee has as regards taking possession of the premises. These proceedings can happen quickly, without the tenant being aware of them – and they may result in the tenant being evicted with little or no notice. It is best to start negotiating early about when you might have to leave.

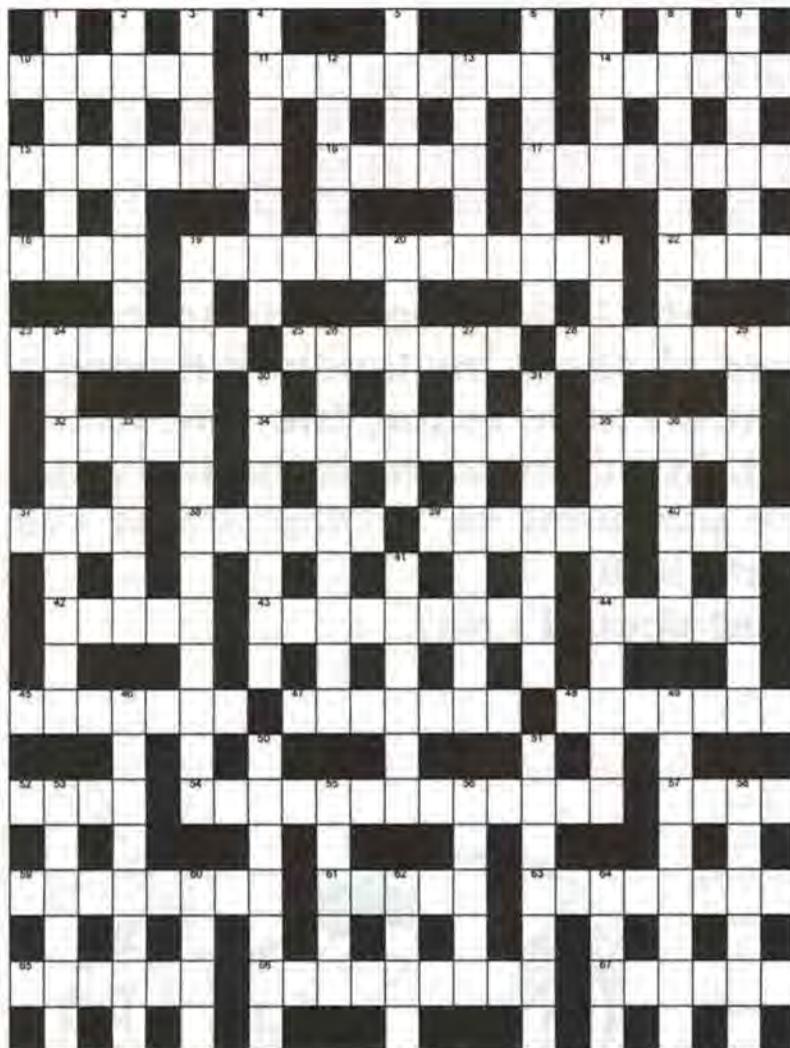


**The Tenants Union Hotline operates between 9.30 am–1 pm, and 2 pm–5 pm weekdays.**

**A tenants adviser can provide information over the phone, or may refer you to your local tenancy service.**

**Freecall 1800 251 101**

## Crossword: High Court Edition



### ACROSS

10. fifth Chief Justice of the High Court and one-time United Australia Party Attorney-General (6)  
 11. sweet lozenges or lollies, much enjoyed by High Court judges (9)  
 14. Justice of the High Court, and the only one to have also been Prime Minister (6)  
 15. human hormone, much lacking on the High Court (8)  
 16 across, 60 across. fourth Chief Justice of the High Court (5, 5)  
 17. arrival on terra firma after a sea voyage (8)  
 18. one who affects social importance and exclusiveness, found often in legal circles (4)  
 19. eleventh and current Chief Justice of the High Court (6, 7)  
 22. \_\_\_\_\_ of Court, the legal societies of the English bar (4)  
 23. seventh Chief Justice of the High Court and one-time

- Liberal Attorney-General (7)  
 25. along with 14 across and 8 down, one of the three original Justices of the High Court (7)  
 28. patriotic songs, as sung by High Court judges at the football (7)  
 32. famous container ship (5)  
 34. mnemonic devices (9)  
 35. jargon of a class or group, eg legalese (5)  
 37. god of war and High Court litigation (4)  
 38. city that was, until 1986, home to Australia's ultimate court of appeal (6)  
 39. declarations with the force of law (6)  
 40. sociable insects (4)  
 42. drink, mixed with gin, enjoyed by High Court judges (5)  
 43. loss of bodily function due to cerebral haemorrhage (such as may be occasioned in High Court judges by calling them 'Your Worship') (9)  
 44. major city of the Ruhr region in Germany (possibly visited at some stage by a High Court judge) (5)  
 45. customary judgment of 29 down (1, 6)  
 47. self-destructive rodent (not, alas, John Howard) (7)  
 48. kit and kaboodle (7)  
 52. second Chief Justice of the High Court (4)  
 54. moment of loss of self-control, especially relevant to the defence of provocation (4, 2, 7)  
 57. invasion, such as that conducted by Attorney-General (and later Justice of the High Court) Lionel Murphy on ASIO (4)  
 59. resistant to change (8)  
 60. see 16 across  
 62. dried grapes, enjoyed by tenants and High Court judges (8)  
 65. old, dried up and haggard (not unlike Justice Starke) (6)  
 66. Captain America's enemy in the Avengers comic books (as enjoyed between hearings by High Court judges)  
 67. the constabulary (6)

### DOWN

1. first Labor Prime Minister (6)  
 2. feudal era missile weapon (8)  
 3. self-satisfied (4)

4. the first on a cricket team to bat, such as Langer and Hayden (that's Matthew Hayden, not Justice Dyson Heydon) (7)  
 5. style of chicken dish (allegedly enjoyed by Justice Evatt) (4)  
 6. without purpose or function (7)  
 7. dim (4)  
 8. first Chief Justice of the High Court and one-time Premier of Queensland (8)  
 9. plant sex cells (6)  
 12. Japanese car model, driven by economical High Court judges (5)  
 13. feudal era weapon wielded by a mounted knight (5)  
 19. recently retired Justice of the High Court, and the only one to have qualified through the Solicitors' Admissions Board (7, 6)  
 20. yawning with an open mouth, as High Court judges do in long hearings (6)  
 21. Justice of the High Court and later Governor-General (6, 7)  
 24. region of the globe in which Australia has substantial territorial claims (9)  
 26. Australian car model, driven by petrol-headed High Court judges (9)  
 27. sixth and, according to many, greatest Chief Justice of the High Court (4, 5)  
 29. Justice of the High Court who was on the bench for a record 46 years (9)  
 30. tenth Chief Justice of the High Court (7)  
 31. without regard for society (7)  
 33. ninth Chief Justice of the High Court, and pioneer interpreter of the Constitution's implied rights (5)  
 36. eighth Chief Justice of the High Court (5)  
 41. to exercise one's right to silence (4, 2)  
 46. most satisfactory alternative (4, 4)  
 49. table in court at which counsel sit (3, 5)  
 50. street in 38 across which is famous for its fashion scene (and where some High Court judges might like to buy their cravats) (7)  
 51. diplomatic establishment (7)  
 53. clerk (6)  
 55. direction or ruling by a court (5)  
 56. panache, grace (5)  
 58. third Chief Justice of the High Court and the first Australian-born Governor-General (6)  
 60. semi-precious stone (4)  
 62. financial penalty imposed by law (4)  
 64. circuits of a sporting field or pool, as practiced by health-conscious High Court judges (4)

## Tenancy News Across the Globe...

### UN Tsunami Reconstruction Report

Two briefing papers looking at post-Tsunami reconstruction in Sri Lanka, prepared for the UN, highlight the importance of community involvement in all aspects of rebuilding and reconstruction. One, looking at safety zones and planning regulations notes that coastal safety or 'buffer' zones should be locally determined and also that resettlement should "give greater emphasis to keeping communities together... by developing and engaging community organisations in the site selection and settlement processes." The second, recommending improvements to Sri Lanka's housing policy, argues that supporting community involvement in slum upgrading will aid the reconstruction process in towns and cities.

[www.homeless-international.org](http://www.homeless-international.org)

### UN Millennium Review

The September 2005 UN "Millennium Review" Summit - which brought together the heads of government from 175 countries - recognised the need for increased funding for affordable housing and infrastructure development, including slum upgrading. The outcome document states: "In pursuance

of our commitment to achieve sustainable development, we further resolve: ... To achieve significant improvement in the lives of at least 100 million slum-dwellers by 2020, recognizing the urgent need for the provision of increased resources for affordable housing and housing-related infrastructure, prioritizing slum prevention and slum upgrading" <http://www.un.org/summit2005>

### LAOS

The Community Organisation Development Institute (CODI) yesterday finalised a 7.15-million assistance programme to empower women and communities in Laos over the next two years. CODI signed a memorandum of understanding with the Lao Women's Union (LWU) to help run the scheme in 11 districts of five Lao provinces. In a 3-day event, ACHR supported the participation of community savings groups from Vietnam, Cambodia, Thailand and India. <http://www.achr.net/news.htm>



USA

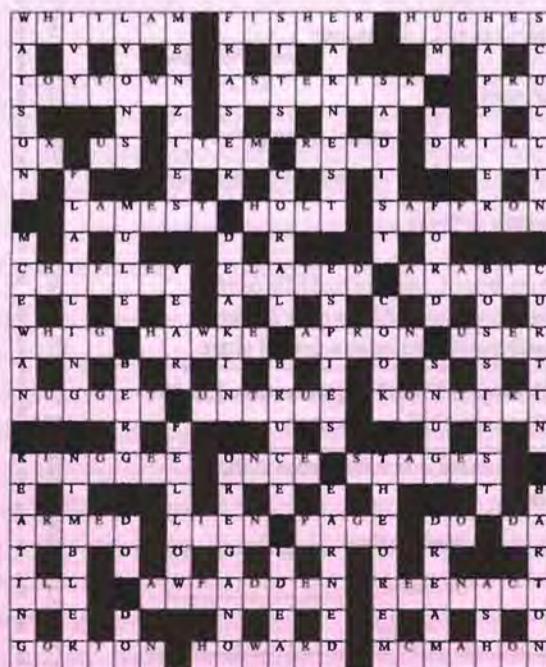
Post Hurricane Katrina, community development and research organizations are calling for community input into the redevelopment of New Orleans. Before the storm, more than four of 10 poor blacks in New Orleans lived in neighborhoods that were 40 percent or more poor. The city was among a very few in America where racial segregation actually worsened during the 1990s.

Research concludes that racially segregated and high-poverty communities undermine the life chances of families and children, cutting off access to mainstream social and economic opportunities. Community groups argue that a lack of community involvement would risk resegregating New Orleans's poor and minority residents in isolated and distressed neighborhoods.

<http://www.urban.org>



**Solutions to Last Editions Prime Ministerial Crossword**



# 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	4969 7666 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

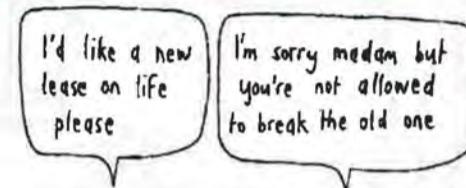
Western NSW	6882 3611 or 1800 810 233
Southern NSW	4472 9363 or 1800 672 185
Northern NSW	6643 4426 or 1800 248 913
Greater Sydney	9564 5367 or 1800 772 721

### Tenants' Union Hotline

Mon–Fri 9.30am–1 & 2–5pm 1800 251 101

[www.tenants.org.au](http://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)

<input type="checkbox"/> tenant	<input type="checkbox"/> tenant organisation
<input type="checkbox"/> non-tenant	<input type="checkbox"/> non-tenant organisation
<input type="checkbox"/> 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