

TU tenant news

Free newspaper of the Tenants' Union of NSW

Issue 82 August 2006

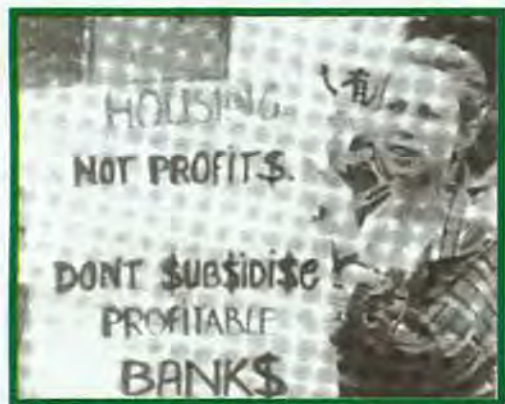
Tenants' Union of NSW Celebrates 30 Years

Heady Days – celebrating thirty years of tenancy activism in NSW by Robert Mowbray

The early 1970s were heady days. Many of us had been activists in the anti-Vietnam war and anti-conscription campaigns. It was the time when the Women's movement and the anti-Apartheid campaigns were gaining strength. We believed that we could change the world. Landlord and tenant laws across Australia were relics of English feudal laws. A major report to the Poverty Enquiry described these laws as a scandal. So, in 1975 Shelter NSW was formed to lobby on housing issues. It established a Tenancy Working Group which in 1976 incorporated as the Tenants' Union of NSW.

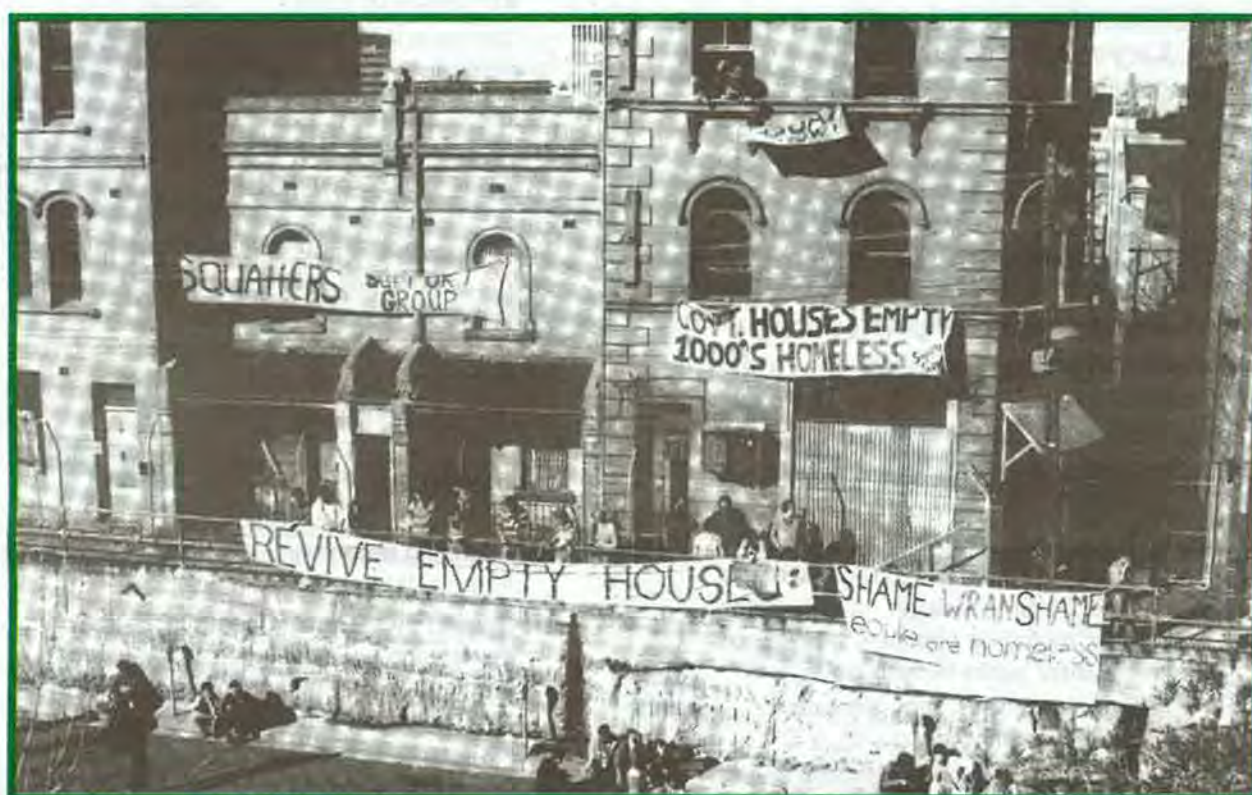
The Tenants' Union adopted a two pronged strategy: establishing a network of voluntary tenants' advice services and lobbying for law reform.

Case studies of tenants who fronted up to tenants' advice services allowed us to identify the problems that tenants faced and highlight the myriad of anomalies and injustices. These were documented and then became the issues around which policies were formulated and campaigns developed. The Tenants' Union set up a telephone 'Hotline'. We held public meetings and ran workshops. These helped to recruit members, but also boosted credibility when dealing with government bodies and politicians.



Campaign Action for Rental Reform (CARR) demonstration 1987. Sue Creek, TU Activist from 1985-1994 is pictured.

The Tenants Union increased its visibility by leafleting, displaying posters and also car stickers, a sign to place at the front of your house 'This house is protected by the Tenants' Union' and t-shirts with the catchy message 'Don't go mental over rental'. We produced pamphlets and the first tenants' rights manual.



Occupation of an unused house in The Rocks in September 1981 to highlight the housing crisis. There were 60 protesters, 180 police, and 21 arrests. The Tenants' Union was represented.

We created opportunities for publicity. When the publisher of a newsletter for property owners ran an article on how to rip off tenants, we ran off copies of the article and distributed it to all his neighbours in the company of a Channel 10 television crew! We struck up a close relationship with the editor of a suburban newspaper, Harvey Volke, later employed by the Tenants' Union, who regularly ran our stories. He was sued for \$20,000 regarding a story on a real estate agent who pinned a letter to a tenant's door saying 'things are going to get rough for you ...'.

In 1976 we developed the idea of a 'bond fund' and sent off a submission to the then Department of Youth and Community Services. The 'bond fund' would hold tenants bond money and some of the interest that accrued would fund tenants' advice services. Later that year the new Minister for Consumer Affairs, Mr Syd Einfeld, announced the creation of the Rental Bond Board, but funding of tenants' services had to wait.

In the absence of reform legislation, in early 1982 the Tenants' Union produced a 'model lease'. It

provided a focus for the union's ongoing campaign for just tenancy laws.

We realised that it was not sufficient to run campaigns for legislative change unless we had a comprehensive policy. This led to the report, 'Reforming a Feudal Law', launched by the Chairperson of the NSW Law Reform Commission, Professor Ronald Sackville. The Labor Council of NSW unanimously endorsed the report's recommendations.

We employed gimmicks. The campaign for landlord and tenant reform run in the mid-1980s was called CARR (Campaign Action for Rental Reform). It was a coalition of tenant, housing and consumer groups. Of course the acronym adopted was the name of the then Minister for Consumer Affairs and later Premier, Bob Carr.

During the 1980s the Tenants' Union lent support to tenants in blocks of flats in Annandale, Dulwich Hill and Fairfield who went on rent strikes over rent increases and repairs. There was media coverage.

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tenants' union of nsw

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*Views expressed by the contributors to
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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 tenants 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

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Editorial

by Christine Gibson,
Editor



Welcome to the winter edition
of Tenant News!

In this the thirtieth year of the
Tenants' Union, it is especially
pleasing to present an historical
item by Robert Mowbray, a long-term tenancy activist. It
is also appropriate to gratefully acknowledge the activists,
staff, volunteers and members who have been involved
and who continue to animate the diverse activities of the
Tenants' Union. THANK YOU ALL.

Reading Chris Martin's and Robert's articles, it becomes
obvious that there are still in 2006 many policy areas
that lack fairness in their implementation and/or their
impact. New federal income support policies combined
with changes to both state and federal arrangements for
financing public housing will have an unsettling impact on
the lives of many tenants. Stereotyping of tenants as being
'undeserving' (see recent media reports about the Gordon
Estate, Dubbo) by dimming opposing voices, can reinforce
popular support for fast changebring in the bulldozers
then think about re-housing! For tenants struggling to
receive fair treatment during such times of upheaval,
access to advocacy and other support offered by the
local/regional tenancy services is crucial. The difficulties
facing such services are enormous yet they continue to
provide individual assistance as well as working hard to
ensure that tenants' views get listened to.

I hope to see many Tenant News readers at the 30th
celebration to be held in November 2006.

Help us to improve future issues of Tenant News!

Send your feedback and any suggestions for topics you'd
like covered to: _____

Christine Gibson, Editor c/- tenantnews@fcl.fl.asn.au



**Don't Let
Your Landlord
Rip You Off**

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

**www.tenants.org.au
www.tenants.org.au
www.tenants.org.au**

The landlords negotiated. However, such action was short lived. Rent strikes took a tremendous amount of time and resources. But publicity over them kept the issue of law reform alive. The Tenants' Union gave support to a struggle by tenants of Royal Prince Alfred Hospital to resist eviction. Eventually a deal was struck, with the Department of Housing buying houses marked for sale and a promise made not to knock down other houses until the hospital needed them.

In 1986 the Wran Government established the Housing Information and Tenancy Services (HITS) Program. This was funded through Rental Bond Board interest monies, an early demand of the Tenants' Union. But the HITS program wasn't to last. It was defunded when the Coalition won government in 1988.

Comprehensive reform legislation was introduced into the NSW Parliament on April Fool's Day 1987, but Labor lost office before it was enacted. The Liberals introduced amendments that favoured landlords. The Tenants Union and tenancy services placed an ad in the Sydney Morning Herald attacking the Liberal's changes. It was the old problem of biting the hand that feeds you! The HITS program got the axe.

In the early 1990s the Tenants' Union used every opportunity to lobby for refunding of tenants' advice services. The Coalition's Robert Webster became Minister for Housing in 1992 and had to sort out the shemuzzle of Homefund (a misguided scheme of low start loans directed at low income people to assist them into home ownership). With Homefund, the government was haemorrhaging badly. Mr Webster decided to raid hollow logs, such as the Rental Bond Board's interest fund. We persuaded the Opposition and Independents to block the Homefund bail-out unless tenants' advice services were refunded. Mr Webster summonsed us to a meeting at Parliament House and we did a deal, leading to the Tenants' Advice and Advocacy program that continues today.

What are some of the lasting achievements of the Tenants' Union? Clearly, it is recognised by government and industry as

the spokesperson for tenants. It has been a key player in residential tenancy law reform. It has achieved the creation of a network of tenants' advice services. But there have been failures too.

There has been little progress in achieving legislative coverage for boarders and lodgers, provisions to deal with the problems of share housing and how domestic violence impacts on tenancies. Indeed in recent years, law reform has moved backwards with the clawing back of many of the gains made in relation to public housing tenancies.

Today the Tenants' Union's main source of funding requires it to resource a network of tenants' advice services. It needs to be constantly vigilant that servicing such a network does not distract it from the main agenda of fighting for a better deal for tenants.

Tenants got some comfort from legislative reform but the major beneficiaries are landlords. Procedures that allowed rent increases to go largely unchallenged and for evictions to occur relatively speedily did not help tenants much!

The Tenants' Union has not been able to 'sell' the notion of 'just cause eviction'. Although 'just cause eviction' would not threaten the 'mums and dads' investors who dominate the ownership of private rental stock, the property lobby has been able to mount a successful scare campaign saying that existing investors will take flight and disinvest. It is politicians who take flight despite private rental housing stock having increased over the period of residential tenancy law reform (albeit this increase being at the top end of the market)!

For tenants to achieve affordable rents and increased security of tenure there needs to

be a change in the types of landlords who dominate. A change such as a move away from 'mums and dads' investors to institutional landlords, using all those superannuation dollars that are looking for places to go. With governments giving tax advantages as trade-offs for affordable housing

TENANT NEWS No. 36.

February 1989.

AXED!

21 TENANTS ADVICE AND HOUSING REFERRAL SERVICES ACROSS NSW YOUR MONEY.

IT COSTS \$2.40 PER TENANT PER YEAR TO RUN THESE SERVICES

WRITE OR TELEPHONE THE PREMIER, MINISTER FOR HOUSING OR YOUR LOCAL MEMBER OF PARLIAMENT TO SAY THAT TENANTS' MONEY SHOULD PROVIDE TENANTS' SERVICES

Produced by the Tenants' Union of NSW 84 Berryman St., Sydney NSW. Tel: (02) 927 9919

Front cover of 'Tenant News' February 1989, soon after funding was cut to the Housing Information and Tenancy Services (HITS) Program.



The tenants involved in the Fairfield rent strike, 1986.



At the Tenants' Union 20th Anniversary celebrations August 17 1996. (L-R) Charlie Begg (founding TU member), Robert Mowbray (first TU Secretary), Margaret Barry (founding member of Shelter NSW), Viv Abraham (first TU Chairperson).

and increased security of tenure. No longer would profits be tied to capital gain maximization through booting out the tenant and selling the property on the home ownership market. I believe that this is a direction worth pursuing if we are going to continue to enhance the tenants' rights agenda.

From the Hotline

Q My landlord sent a plumber to fix leaking taps. He did a good job. But, he also broke a vase of mine when he was rushing about between bathroom and laundry. He said "sorry" but did not offer to pay for the damage. Can the plumber or the landlord be made to compensate me for the loss of my vase?



A You can send a letter of demand to the plumber for compensation, include proof of the value of the vase.

You should get legal advice from a community legal centre about suing the plumber. Whether it is a good idea will depend on the circumstances, including the value of the vase. Ask the solicitor about any time limits, how long it would take, what it would cost and what happens if (perchance) you lose. Sometimes it is not worth taking possible legal action.

The Supreme Court (NSW) has recently said that the landlord is responsible for bad workmanship by contractors, like plumbers.* But, the landlord is only responsible for the contract obligations to you as tenant. For example; not repairing the taps properly and consequent flooding. The plumber breaking the vase is outside the landlords repair and maintenance obligation. It is just the plumber being negligent, rather than doing a poor repair.

*Robinson v Fretin & Anor [2006] NSWSC 598 File #: 30097/05

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The Tenants' Union Hotline operates between
9.30 am–1 pm, and 2 pm–5 pm weekdays.
Freecall 1800 251 101

'Reshaping Public Housing' and Work Disincentives

Chris Martin, Policy Officer, Tenants' Union of NSW

When the NSW Government announced the 'reshaping public housing' (RPH) reforms in April 2005, many public housing tenants were worried about the effect of the reforms if they went to work. The reforms include higher rates of rent for tenants with 'moderate incomes', a water charge that increases as a tenant's income increases and, for new tenants, fixed term tenancies that will be terminated at the end of the fixed term if the tenant's income is above a 'moderate income' threshold. The Tenants' Union (TU) heard from a number of tenants who said that because of the reforms, they were considering either giving up work, or knocking back opportunities to work, or were worried about what would happen when their children started work.

These concerns are known, in the language of government, as 'work disincentives.' When RPH was announced, there was already debate as to the work disincentives in different areas of public policy, including public housing. In particular, the current Commonwealth-State Housing Agreement includes, at Objective 1.7, a commitment by the Department of Housing to 'reducing workforce disincentives to social housing tenants to facilitate greater social and economic participation.'

In a recent research paper, the TU measured the work disincentives generated by the RPH reforms. We also considered how RPH interacts with the operations of the social security system (which is also to be affected by the Welfare to Work reforms) and the tax system, and the implications of this interaction for work disincentives. We did this by setting out the effect of these systems on the disposable incomes of two hypothetical public housing tenants:

- 'Louis', a single person with a disability who is capable of working 15-29 hours pw
- 'Melanie', a single parent with two children (a boy and a girl) aged 12 and 10 years.

Both Louis and Melanie are subject to the Welfare to Work reforms – specifically the proposed 'Enhanced Newstart Allowance' (ENA) – and RPH, including the changes relating to continuing eligibility. (That is, they applied for their respective Centrelink payments after 1 July 2006, and commenced their public housing tenancies after 1 July 2005.)

Here's a summary of our findings. (Note that the calculations do not include the cost of the loss of health or travel concessions or, in Melanie's case, the cost of childcare. These costs will have to be covered by the income Louis and Melanie have left after tax, Centrelink benefit withdrawal and housing costs).

Work disincentives in public housing

When we looked at the range of incomes at which Louis and Melanie are eligible to stay in public housing, there were significant work disincentives across the range. In the lower half, work disincentives were mostly caused by the loss of Centrelink benefits. In the upper half, work disincentives persisted, and the single largest cause was the Department of Housing.

- At any wage between \$125 pw and the top moderate income threshold, Louis is subject to an effective marginal tax rate (EATR) between 69 per cent and 77 per cent, and Melanie is subject to an EATR between 69 and 76 per cent. In other words, Louis loses between 69 and 77 per cent, and Melanie loses between 69 and 76 per cent, of their incomes to tax, Centrelink benefit withdrawal and the Department of Housing.

- Louis faces an effective marginal tax rate (EMTR) of 81 and 84 per cent on additional earnings in the 'moderate income' range. Melanie faces EMTRs of 72, 93 and 100 per cent on additional earnings in the moderate income range. At most wages in the range she faces the 93 per cent EMTR – in other words, she keeps just 7 cents in each additional dollar she earns in this range.

Work disincentives on becoming ineligible for public housing

Losing public housing at the second moderate income threshold is a significant work disincentive. On losing public housing, people face the loss of disposable income resulting from living in particular areas, or locational constraints when looking for affordable private rental housing.

- If Louis becomes ineligible for public housing and has to move out to a 'middle of the road' one-bedroom flat in the inner ring suburbs of Sydney, he faces a cut in his disposable income of up to \$92.92 pw. If Melanie has to move to a 'middle of the road' three-bedroom house in the inner ring suburbs, she faces a cut in her disposable income of up to \$165.28 pw.

- Louis, on moving into the private rental market in inner and middle Sydney, will have to earn more than \$800 pw before he is subject to a lower EATR than when he was in public housing. Melanie, on moving into the private market in inner Sydney, will have to earn more than \$1,200 pw before she is subject to a lower EATR than when she was in public housing.

From this we can make some general conclusions about RPH and work disincentives:

First, the interactions between the social security system (per the Welfare to Work changes), the tax system and the housing system (per RPH) are numerous and complex, especially for single parents. This may be something of a disincentive itself.

Secondly, and contrary to the Commonwealth-State Housing Agreement, RPH contributes to increasing work disincentives.

Thirdly, there are significant work disincentives at almost all wages up to the point where the top 'moderate income' rebate rate applies and where public housing eligibility is lost. It is a wide trap.

Fourthly, work disincentives persist in the range of wages above the eligibility threshold, because the incomes at which tenants become ineligible is too low for them to rent in the suburbs of the inner and middle rings of Sydney Local Government Areas without cutting their disposable income. This makes the trap even wider.

Fifthly, although the work disincentives faced by a single person are discouraging, those experienced by a single parent are generally more discouraging.

EATRs, EMTRs and RRs... measures of work disincentives

There are two basic types of work disincentives, and different ways of measuring them.

The first type of work disincentive is the type that discourages an unwaged person from getting a job – in other words, the 'why work?' problem. This means looking at the effect that earning a wage has on a person's disposable income (i.e. total income after tax, loss of Centrelink benefits and increased housing costs). This effect can be measured in two ways. One way is to compare the disposable income a person has while unwaged with the disposable income they would have if employed. This is called the replacement ratio (RR). For example, where a wage amount has an RR of 90 per cent, the person would have received 90 per cent of the disposable income if they were unemployed. The closer the RR is to 100 per cent, the greater the financial disincentive to work. The second way to measure the 'why work?' type of work disincentive is to compare the increase in a person's disposable income with the increase in their total income that comes from earning a wage. This measure asks 'how much of what I earn do I keep?', and is called the effective average tax rate (EATR).

The result of this type of work disincentive is often referred to as an 'unemployment trap', because it discourages people from entering work in the first place.

The second type of work disincentive is the type that discourages an employed person from increasing their income (for example, by working more hours, or going for a higher paid job) – in other words, the 'how much work?' problem. This means looking at how much of each additional dollar of income is lost to tax, Centrelink benefit withdrawal and increased housing costs. This measure is called the effective marginal tax rate (EMTR).

The result of this type of work disincentive is often referred to as a 'poverty trap' because it discourages or prevents people from increasing their income.

The respective cases of Louis and Melanie are not encouraging for those future public housing tenants who will be subject to the Welfare to Work changes and RPH. Public housing tenants will, if they want to remain in public housing, be limited to a range of jobs that pay little financial reward: most cases, more than 70 per cent of their wage is lost. Getting a job paying more will mean moving out of public housing and – unless the person earns a lot more – facing significant constraints as to where they can afford to live, or costs that consume almost all of their additional income. If RPH is implemented on the terms indicated by the Government, it appears that the new 'shape' of public housing will be a wide and depressing trap of unemployment and poverty.

Note: The 2006 Federal Budget changed tax rates, tax thresholds and Family Tax Benefit thresholds. These changes are not reflected in the figures presented in this article.



A different version of this article appeared in 'Around the House' Shelter NSW May 2006



Western NSW Faces Rental Crisis

With a shortage in the private rental market driving up rents and public housing estates being bulldozed, Tenants in Western NSW face a crisis in accommodation. Tenant Advocates Pam Buyn and Tamara Allen from Western Area Tenants' Advice Service outline some of the issues.

Rural Tenancies Experiencing Rental Stress by Pam Buyn, Broken Hill

Broken Hill, Wilcannia, Menindee and Tibooburra in Far Western NSW are all experiencing stress in their rental housing markets. Many Community Housing, Aboriginal Housing and Land Council Housing bodies cannot meet demand. Housing services all have long lists of people waiting for accommodation. The situation is made worse by the lack of available emergency housing.

Catherine Haven, from the only emergency housing service in Broken Hill for women and children, says that 'they can no longer rely on the Department of Housing as there is now a waiting list'. There is no emergency housing available in Tibooburra or Wilcannia.

Weimija Aboriginal Housing has 150 families on their waiting list. They are hopeful of getting some Transitional Accommodation in the near future. Both the Menindee Aboriginal Land Council and Nyampa Aboriginal Housing cannot meet demand. Many in the Aboriginal community who need to stay in the area are being forced to move to other areas, sometimes over a hundred kilometres away.

Rental prices in the Far Western area have risen in the past 2 years. Many houses are in a state of disrepair and are downright dangerous. There is a lack of contractors in the area due to the distance to be travelled. Tenants wait for up to a month for urgent

repairs to be dealt with and many more months for non-urgent repairs.

Landlords are taking advantage of the fact that there is a housing shortage in the area. Many mines are opening up and companies who bring workers into the area find it difficult to house them. They are paying premium prices for property that is not up

to standard. The situation is even worse for low-income tenants. The only option for many of these tenants is to accept sub-standard housing. These tenants are vulnerable to unscrupulous landlords who take advantage of the tight housing market.

★



Houses being demolished at the Gordon Estate

Gordon Public Housing Estate Dubbo by Tamara Allen

On Friday May 12th 2006 the Minister for Housing, Ms Cherie Burton, made a surprise visit to Dubbo where she announced her plan to withdraw public housing from Dubbo's Gordon Estate. Over a three year period approximately 1000 people, all the public housing tenants and their families from this Estate will be forced to leave their homes. The Estate is to be re-developed and some 250 properties are to be sold on the private market.

Tenants are being given the opportunity to purchase their homes once these have been listed on the open market. The majority of tenants will not be able to afford this option.

The so-called crises involving crime and vandalism in Gordon Estate have regularly made headlines in recent times. Ms Burton stated that the riot which occurred over the New Year period was "the last straw" and a turning point in the government's acknowledgement of a long-standing problem.

homes in this estate are either owned or managed by the Department of Housing (including Aboriginal Housing Office homes). The population primarily consists of indigenous families. Some of these families have lived in the estate for over 30 years. Others have relocated from other areas such as Bourke, Brewarrina, Goodooga, and Lightning Ridge.



Demolition workers wearing protective clothing and masks due to the asbestos risk at Gordon. No such protective gear provided for tenants!

Dubbo independent MP, Ms Dawn Fardell, labelled the Gordon Estate as a "failed experiment". Many residents feel that the high density of public housing in this one area, the mix of different family groups, the lack of support services offered to this community, the isolation from the rest of Dubbo and the lack of activities for the children have led to the current problems.

The reaction to Ms Burton's announcement from both residents of the Estate and other residents of Dubbo has been mixed. Some residents have welcomed the new plans. They have stated that they are scared to live in the estate as they feel like prisoners in their own homes, unable to leave even just for 5 five minutes as they are fearful their homes will be broken into and vandalised. Others are absolutely devastated that they are being forced to leave their homes and feel that this is not the right approach to solving the problems on the estate. Residents in the wider community have reported that they are pleased that the problems of the estate are being addressed however are concerned about how the residents will be re-located.

In addition to establishing an information line, the Department of Housing has held public meetings weekly at the Gordon



Derelict public housing stock at Gordon

Centre on the estate. Mark Burns, Department of Housing (DOH), says that their purpose is to keep the residents up to date with the project and the proposed time frames. Most importantly, however, they provide an opportunity for residents to have their say and to ask for answers to their many questions.

Tenancy Services attended recent weekly meetings and the overall feeling of those residents who attended was acceptance that they are going to have to leave their homes. Their main concerns now are that they will not be re-housed close to family or friends or in suitable accommodation. In addition they are concerned that Ms Burton will not put anything in writing.

Residents have been told that DOH has established a specialist housing team to interview all tenants to record their requirements for new accommodation. This will include such details as where they would like to live, the size and style of housing, who they would and would not like to live near, their community service

...continued on pg 7



The majority of

Tenancy News Across the Globe...



SOUTH AFRICA

Several farm workers were sent running for safety when their homes on Wilnet Farm in Faure were bulldozed by farmer Dennis Zetler, who had sold the land to developers. "We grabbed the children and ran because everything was falling," Wilma Patrick said. Some people had been asleep. Zetler said notice had been given about five years ago. He said notices had been court-ordered, but he had delayed action against those who had not moved out because the City of Cape Town had promised to provide housing in Macassar for them.

<http://www.iut.nu/>

USA

U.S. officials charged a real-estate company in Lakewood, New Jersey of violating the Fair Housing Act in favor of Jewish families. The Department of Housing and Urban Development alleges that the agency kept minority residents out of the nicer parts of a housing complex, provided them with poorer maintenance and subjected them to rules not applied to the Jewish residents. Lakewood is home to a large Orthodox Jewish community.

<http://www.thejewishweek.com/news/newscontent.php3?artid=12709>

NORWAY

The Norwegian Tenants Association was granted funding for a project to teach young Somalis the noble art of finding your own accommodation, and how to take care of a home. The courses include the necessary knowledge, and commitments, of how to manage ownership, what it takes to live in a co-operative, obligations and rights as a tenant, duties in connection with a bank loan and common loans when living in co-operative housing. The object is also to motivate the young Somalis to, after having attended the courses, forward their knowledge to other Somalis. The Norwegian Tenants' Association also organised two 20-lesson courses in "living in Norway" and a 12-lesson course in leadership training and moreover a course in conflict solving.

Global Tenant, April 2006

that there is need for an equivalent database on landlords. A faster moving court system and a register of landlords would help balance a rental industry weighted in the favour of landlords.

Global Tenant, April 2006

UK

Shelter UK is launching its million children campaign aimed at ending the devastating impact of bad housing on over a million children in Britain. The campaign is being launched with the publication of "Toying with their future", a major expose which reveals for the first time that over a million children who are growing up in overcrowded, unfit or emergency housing, suffer from serious health problems, poor education and have their future blighted.

<http://england.shelter.org.uk/home/home-1168.cf>

GERMANY

Mayor of Dresden, Mr. Ingolf Rossberg, reached a deal in March to sell Dresden's entire stock of 48,000 city-owned apartments to an American private equity firm, the Fortress Investment Group, for \$1.2 billion.

Affordable public housing is a pillar of the German welfare state, and the prospect of it falling into the hands of financiers from New York or London has unsettled many people. In Dresden, 45,000 of them signed a petition opposing the sale.

The tenants who opposed the sale said they feared that Fortress would raise rents or even throw people out on the street. They question how a private equity firm, with its need for hefty returns, could own public housing without squeezing the people who live there.

The residents will be protected by an agreement, known as the Social Charter, that Fortress had to sign to stay in the bidding. The contract limits its ability to raise rents — including those that are below market rate — and protects tenants from being evicted. People over 60 or with severe disabilities are guaranteed lifelong tenancy.

Moreover, Fortress must hold on to 34,000 of the apartments for 10 years before it sells them. And when it does, it must offer existing tenants a 15 percent reduction from the market price. Finally, it cannot renovate the apartment complexes into luxury condominiums.

<http://www.iut.nu/>

...and Around Australia

ACT

The Australian Government has invited the UN Special Rapporteur on Adequate Housing, Mr. Miloon Kothari, to visit Australia between 31 July and 15 August 2006. The purpose of his visit is to examine and report on the realisation of the right to adequate housing and other related rights. He will pay particular attention to aspects of gender equality and non-discrimination, and identifying practical solutions and best practice. The Special Rapporteur would also like to discuss the realisation of housing rights with community members and organisations. He is especially interested in the experience of specific groups including indigenous people, minorities, refugees, migrants, people with disabilities, people living with HIV/AIDS, people with mental illnesses, children and youth, lesbians and gay people, tenants, boarders and lodgers, prisoners, single women, domestic violence victims and homeless persons regarding housing and related rights and services.

ACT Shelter, ACTCOSS and the ACT Human Rights Office will host a Community Forum on Monday 31 July with special guest Mr Miloon Kothari, the UN Special Rapporteur on Adequate Housing.

<http://www.tenantsact.org.au/>



TASMANIA

The Tenants' Union of Tasmania (TUT) is still fighting for law reform to make smoke alarms compulsory in all rented homes. TUT is working on a proposal to have the relevant section of the Residential Tenancy Act changed. In a huge win for Tasmanian tenants, a Rental Deposit Authority (RDA) is on its way (commencement is set for January 1st 2007)! After this date rental bonds will no longer be held by the owner or agent but will be safely lodged with the state government's RDA. This reform has been the result of consistent lobbying by many groups in the housing and social justice sectors in Tasmania.

Rent Rant, Newsletter of the Tenants' Union of Tasmania, Winter 2006

VICTORIA

The Law Reform Commission of Victoria has found that the current privacy laws that apply to tenant databases, are ineffective and problematic. The Commission believes that failing the enactment of federal legislation, the Residential Tenancies Act (RTA) 1997 needs amendment to ensure that tenants are protected from unfair, inaccurate and outdated information accessible from a database. The Commission's recommendations, made in a report delivered to Government on 5 April 2006, were developed after consultation with industry and tenant advocates. The Tenants Union of Victoria requested that the Commission consider this issue.

Tenant News, Winter 2006 (Victoria) www.tuv.org.au

RUSSIA

In the beginning of February an estimated 125,000 demonstrators rallied in over 360 cities and towns from Moscow to Vladivostok. Angry protestors marched through cities, blocked roads, and massed outside government buildings to protest hikes in utility prices that went into effect on January 1. Under sweeping housing reform, residents will gradually be made to pay for the total cost of utilities, which are now partly subsidised by the state. So far the Russians have been paying only 40% of the costs of the exploitation of their flats. The government intends to gradually privatise the administration of the housing. By 2010 the tenants will have to pay 100% of the costs. Another housing law coming into effect next year would also allow authorities to evict residents who fail to pay utility bills. Russian protestors, particularly pensioners, say their incomes are barely enough to cover the rising cost of utilities. In 2005, utility costs increased by 32.7 percent nationwide, and in January 2006 alone, they rose by up to 40 percent in some regions.

Global Tenant, April 2006

NEW ZEALAND

The Real Estate Institute of New Zealand have quietly launched a new national rental database and is encouraging property managers to enter as much information as possible about tenants. Private landlords do not have access to the system, which is used by licensed real estate agents who manage properties. It includes the names of many state housing tenants because their Government or privately owned houses are managed by property managers at licensed agencies. Tenants' names, dates of birth and other identifying information and rental history were among the details to be listed. Manawatu Tenants' Union spokesman Kevin Reilly expresses his worries that this register will become a tool for landlords to shut out tenants in an arbitrary manner. Mr Reilly says



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.

Boarding House for Sale

Sydney independent MP, Mr Alex McTaggart and his wife own their very own boarding house. It has been investigated by police for alleged drug-dealing and for potentially violating licensing laws. It seems that this Darlinghurst boarding house isn't the ideal investment. Mr McTaggart has been trying to sell it for over 12 months.

(The Sun-Herald 30.4.06)

Queensland Tenants Owed a Motza

It seems many Queensland tenants don't want their money back. The Queensland Government has launched a campaign to return unclaimed rental bonds to their owners. More than \$2.5 million is set to be returned to 18 000 former Queensland tenants.

(AAP 23.4.06)

Be Fire Savvy

From 1 May this year it will be compulsory for rental properties to be fitted with smoke detectors. NSW Minister for Fair Trading, Dianne Beamer said that alarm checks would be compulsory whenever a property changed hands. At every future tenancy transaction and property sale alarm checks will be part of the inspection.

(Daily Telegraph 2.5.06)

Call to Reform Boarding House Licensing

Many boarding houses in the Marrickville Local Government Area remain unlicensed. This poses a risk for the residents living in them as the boarding houses fall outside any regulation or legal protection. Newtown Neighbourhood Centre project coordinator, Leigh Connell said "we have been consulted on plans to update the legislation, but it doesn't look like any changes are going to be made any time soon". Liberal MLC John Ryan has taken an interest in the question of unlicensed boarding houses and is canvassing support for an update to the act.

(Inner West Courier 9.5.06)

Ombudsman's Report Critical of the Department of Ageing, Disability and Home Care

The Ombudsman, Mr Bruce Barbour said that the 'Department of Ageing, Disability and Home Care (DADHC) has failed to properly carry out its monitoring responsibilities.' He was also concerned about how DADHC can enforce licence conditions in boarding houses. Mr Barbour said his office first identified deficiencies in DADHC's capacity to monitor and enforce standards in licensed boarding houses in 2002.

(NSW Ombudsman media release 29.6.06)

Department of Housing to Sell Houses in the Gordon Estate

The Department of Housing announced that it would sell the homes on the Gordon estate, near Dubbo, to deal with ongoing social upheaval. Ms Cherie Burton, the Minister for Housing said '...bad tenants must start to take some respect and responsibility for where they live, or public housing won't be an option for them.' Jennifer Baker a resident on the estate said 'I talk for the percentage of Aboriginal people that live here. They've lived here for years. They've reared their kids up in these houses.'

(ABC online 12.5.06)

Rental Houses Going to the Highest Bidder

The Sydney rental market has become so tight that prospective tenants are bidding against each other to secure a lease. Chris Martin, of the Tenants' Union, said that while it was not illegal for bids to be made on rental properties, the practice may be against the real estate industry's rules of conduct. "If you're a prospective tenant you're not in the position to know how many other people have applied or bid for the property, so you don't know whether the 'auction' is legitimate or the agent is just trying to push the price up," he said.

(Sydney Morning Herald 17.6.06)



Apologies Crossword lovers. Our regular crossword will be back next edition. Apologise also for a misprint in the last edition of the tenant news where incorrect crossword solutions were published.

...continued from pg 5

requirements etc. These factors are to be taken into account when offers of re-housing are made.

Ms Burton stated "I give my guarantee that only people with good tenancy records will be re-housed here in Dubbo. Any public housing tenant who refuses to respect their home or their community will no longer have a place in public housing in this state."

Many residents feel that they have done nothing to deserve such treatment. They are labelled as troublemakers and are being punished for the actions of a minority.

There are various views about the reasons behind the decision to withdraw public housing from the Gordon Estate. Many residents believe it is for commercial reasons. DOH says that the decision has been made to overcome the anti-social behaviour that is occurring in the estate. DOH has stated that there is a growing need for accommodation for elderly people and that the cost of repairs to estate properties was three times more than in any other DOH area.

Bulldozing of houses has begun and, to our knowledge, no tenants have been relocated. In addition to dealing with losing their homes, tenants

have concerns regarding asbestos and lead found in those homes already bulldozed.

The Western Aboriginal Tenants Advice and Advocacy Service along with the New England and Western Tenants Advice and Advocacy Service have combined with other local services to monitor this development. A written request to see a copy of the project plan has been made to DOH. We spoke with Mark Burns (DOH) regarding this request and he advised that his hands were tied until such time as Ms Burton authorises the release of this document. In the meantime our intent is to promote our services to the residents of the estate and to advocate for those tenants who seek assistance.

CLAYMORE STORIES

On May 12 residents of the Claymore public housing estate launched a book of stories they had written. The book draws heavily on life, community action and involvement in the face of injustice and adversity.

Local author Joanna Loko said "In Claymore Stories we write about what concerns us, how we can and how we have changed our community...Claymore stories is a project that has brought the community together to speak about their experiences. The writing workshops were a combination of learning, sharing and achievement"

Dr Rick Flowers Director, Centre for Popular Education, University of Technology Sydney praised the book "Claymore stories is about community organising, be it by housing tenants, 'grey power' activists, newly arrived migrants, volunteer community workers or residents wanting a pedestrian overpass. These stories are a testament to: active citizenship, robust democracy, grassroots organising and creative energy. These stories provide an alternative to endless exercises in community consultation.

They are talking less about people's needs, but more about people's rights and visions. We need more stories."

The book is published by the Animation Project of the St Vincent de Paul Society with generous support from IMB Foundation. Copies (\$10 to cover postage and handling) are available from animation@svdpwgong.org.au or call 4627 9018.





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
 - and 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
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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