

united times

newsletter of the tenants' union of queensland • spring 2004

International Tenants' Day 4th October 2004

*Universal Declaration
of Human Rights - Ar-
ticle 25*

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, HOUSING, medical care and necessary social services

the Right

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Newsletter of the Tenants' Union
of Queensland Inc.

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United Times is the newsletter of the members of the Tenants' Union of Queensland. The Union does not accept responsibility for the views and opinions expressed by contributors in this newsletter.

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editorial

Welcome to the latest edition of United Times.

We wish all our members a **Happy International Tenants' Day** on Monday 4th October. The first Monday in October, World Habitat Day, was set aside by The International Union of Tenants (IUT) as a worldwide day for tenant action each year.

The IUT theme for 2004 is Affordable Housing for All. This theme highlights the fact that an increasing number of tenants and residents all over the world face eviction and homelessness due to lack of housing they can afford.

International Tenants' Day is a good opportunity to recall the words of the Universal Declaration of Human Rights – Article 25

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness (or) disability.

Just glancing thought this edition of United Times shows that even in Australia, the so called "lucky country" many people do not enjoy the health and well being and access to housing called for in the declaration.

Our colleague and member of the NDG in North Queensland, Fred Morris, reminds us on the opposite page of the need to be aware of the current housing issues facing our country.

Housing is a basic human right! On International Tenants' Day lets call to tenants everywhere to fight high rents, discrimination and insecure tenure!

To celebrate International Tenants' Day visit our updated Tenants' Union Website at www.tuq.org.au

Ed

Letters to the Editor

Hello all you hardworking dedicated workers

Please note my apologies for your AGM. I would like to take this opportunity to say what great work you do. I look forward to your newsletter as a way of keeping in touch, and am amazed at the progress in tenancy law and issues since I departed my job at Cairns Access Community Housing as the tenancy advice worker for many years. Congratulation on the TICA issues, a great win for all

Keep it up, regards

Sue Johnston

Dear Sue

Great to hear from you and many thanks for your encouraging feedback. Your great work as a tenant advocate in Cairns is fondly remembered. It is good to know that you continue to keep in touch with tenancy issues.

Achieving improvements in tenancy laws can be a long hard slog and advocating on behalf of tenant concerns is an ongoing job.

We are pleased to be able to keep readers and members up to date with these issues and the work of the Tenants' Union.

We are particularly pleased when we can finally report successes in achieving changes that make a real difference for renters.

The past year or so has seen some big wins for tenants and residents. However, there is still work that needs to be done. The Tenants' Union will continue to monitor, advocate and report on these issues.

Ed



WHO CARES?

Low Cost Rental Housing Disaster in Australia.

If you have a conscious and caring mind and you are not aware of what is happening in Australia, about those less fortunate than you in terms of a safe and secure home, please ask why this news is being overlooked in the media. Why is the public not being informed about these important issues? This could affect someone you know now, or in the future.

The need for housing is so huge that some in the community are wondering if those in need could perhaps co-rent Kirribilli or Yarralumla House from the Federal Government, with who ever becomes Prime Minister! Surely there are some spare rooms available?

In your community, have you ever wondered just how bad the lack of public housing and social housing is out there in the Australian Community, how extreme the need is for housing? How this causes emotional and psychological stress on families and many who cannot find a roof over their heads and a home for their futures.

This extreme demand for rental housing applies to Crisis, Transitional, and Emergency housing, not to mention Community Housing and the need for more affordable private rental housing.

Here is a just a small view of the real situation: Over 200,000 Public Housing waitlist applications are lodged with Departments of Housing, this is equal to approximately 500,000 thousand people, including men, women and children, from all walks of life, health and cultures.

In Australia there are 105,000 plus homeless men, women and children on the streets of our towns and cities every night of the year. Just over one third are children under twelve years of age.

24% of the homeless men, women and kids are located in Queensland. A recent survey in Queensland showed the majority of homeless persons are homeless because of domestic violence.

In NSW people are living in caves, but this is no X Files episode or Alternative Lifestyle living here, just a failure of the government safety nets, so much for Hope and a Future.

So if you know of a spare back seat of a car or an abandoned run down hovel in your city or town please let some of the 600,000 plus who want shelter know of its whereabouts, every little bit helps.

Sleep well Mr Federal Government, as it is the housing authorities in the State and Territories who have the responsibility to deliver housing under the 'Commonwealth State Housing Agreement'. However, with a shrinking budget and no extra help from the Federal Government they have the responsibility to try to meet a demand that is beyond their capacity to deliver.

"Oh Well" those in need can but dream.

Fred K Morris, Existing Public Tenant
President, FNQ Regional Tenants Advisory Group Inc.
Post Box 3000 Cairns 4870
Email: fmor@picknowl.com.au

PS. Please pass this on to others who care. Fred

Tenants' Union Annual General Meeting 2004

On Friday 10th September Tenants' Union members and guests gathered at the Riverside function Centre in New Farm for the 18th Annual General Meeting of the Tenants' Union of Queensland.

Thanks to the Steering Committee

The AGM is an opportunity for the Union to present reports to our membership and to elect a new Steering Committee for the coming year. As in past years Lurline Comerford did a great job chairing the AGM. We also take this opportunity to thank the outgoing Steering Committee for all their time and commitment to the Tenants' Union.

Farewell to Colleen Farrell

This year long standing committee member, Colleen Farrell, stepped down. Colleen has been a committee member for 7 years, including 5 years as Secretary. Colleen's long service to the organisation has been a strong foundation for the committee and her input will be missed. The Tenants' Union presented Colleen with a gift as a small token of our many thanks for her dedicated work over the years.

Welcome new committee members

We welcome the new Steering Committee which includes ongoing members: Damian Eckersley (Convenor), Lydia King Evans (NDG rep) and members Maria Leebeek, Amy Raleigh, Tim Goulding and Tim Poole (from north Queensland). This year, due to increased work commitments, Maria reluctantly stepped aside from her role as Treasurer. We welcome new Steering Committee member Peter Mott who has taken on the role of Treasurer.

Celebrating achievements

Tenants' Union Coordinator, Penny Carr, spoke about the great success the Union's Tenancy Database Law Reform Campaign has achieved in the past year. Penny highlighted the success of our representative complaints under the Privacy Act. The Privacy Commissioner found in favour of many of our complaints and in his landmark Determination found that TICA had breached the Privacy Act 13 times! The Union is continuing to monitor the outcome of these complaints for tenants.

Guest Speaker

Guest speaker, Senator Andrew Bartlett, a former TU Steering Committee member before his election to the Senate, was unable to attend at the last minute. Andrew's colleague and Democrats Candidate, Frederika Steen, stepped into his shoes at short notice. Frederika spoke about the Democrat's role advocating in the Senate for more affordable housing and her work in Brisbane assisting refugee communities.

Looking to the future

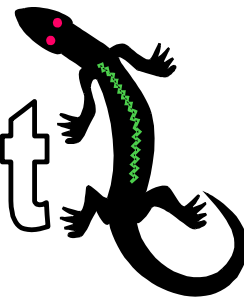
An AGM is about celebrating our achievements and looking ahead to the future. This year the Union launched our Residential Services Monitoring Report, which was finalised earlier this year. Guests attending the AGM heard project worker, Judith Hemingway, speak passionately about the project and residential services law reform issues. Judith highlighted the importance of the report in giving a voice to residents. For members who were unable to attend the launch, the report's executive summary is printed on the opposite pages. This report will inform the Union's work in the upcoming review of the Residential Services Acts.



From Top: Steering Committee members Amy and Maria with Damian (far right) chat with former Solicitor Anthony Austin (centre). Outgoing Treasurer Maria delivers financial report. Colleen accepts farewell gift. New Treasurer, Peter Mott.

Residential Services Acts

monitoring report



BACKGROUND

The Tenants' Union of Qld obtained funding to monitor the residential services legislation.

The Residential Services (Accommodation) Act 2002 and the Residential Services (Accreditation) Act 2002 are two important components of a reform package introduced by the Queensland government.

These reforms were designed to address a range of concerns about the lives of many vulnerable people who live in boarding houses, hostels and aged rental accommodation in Queensland.

Accommodation in this part of the private rental sector is often characterised by 'room-only' accommodation. That is, residents rent a room and share facilities.

One of the major differences between boarding houses and hostels, is that the majority of residents in hostels have a disability and live in this form of accommodation because they need support and services to attend to a range of activities. This means that hostel residents pay for services and support as well as rent.

In addition there has been growth in relatively new forms of this type of housing, including aged rental complexes and student accommodation.

Although there are some differences between these various forms of residential services, the issues and problems for residents, in terms of rights and responsibilities, their safety and security are very much the same.

Until the introduction of the legislation this form of housing operated in an unregulated environment.

The Tenants' Union has lobbied for many years regarding tenancy protection for residents of boarding houses. The Union's Monitoring Project aimed to assess how well new legislation protects residents.

The Monitoring Project worked closely with residents, tenant advocates and disability advocates to gather information, particularly about the implementation of the Accommodation Act.

A resident survey and feedback from Tenant Advice and Advocacy Services, were central to meeting the aim of the project.

THE SECTOR

In order to understand the parts of the sector that are captured by the legislation, and therefore to be able to advocate on behalf of residents requires an understanding of the different parts of the sector. There are fundamental differences in relation to standards.

For instance, aged rental complexes and forms of student accommodation that operate in new complexes, are generally of a good physical standard, and may even have facilities such as pools.

Boarding houses, many hostels and other room-only accommodation appearing in the sector, are often in premises that are in disrepair or not suitable for separate, individual rental arrangements.

Residents of hostels, aged rental and student accommodation may pay for services, such as meals, cleaning, and support.

KEY ISSUES

The Tenants' Union has conducted research in the past to identify problems for residents in boarding houses, and is aware of the many complex problems for residents with a disability who live in hostels.

The report identifies these issues and groups them in accordance with resident priorities recognised by studying past research.

One of the key issues that has become apparent over time is that this form of housing is providing for more long-term residents, and increasingly, residents who may need assistance with a range of activities to enable them to achieve a quality of life on par with the rest of the community.

Many of these people are vulnerable because they experience some degree of disability. This concern for vulnerable people housed in this sector was a catalyst for legislation to regulate the sector, and for the introduction of support packages to meet the needs of residents.

There has been concern for some years about the decline of boarding houses in Queensland and Australia. It is recognised that boarding houses are an important source of low cost housing for many disadvantaged and marginalised people in our community.

This loss of stock is further compounded by developments in other parts of the private rental market that see a loss in affordable housing. Further, these issues are exacerbated by a significant decrease in government funding for social housing.

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PAST PROTECTION

People who lived in premises that we now call residential services have, in the past, had little effective, accessible ways to enforce their rights and resolve disputes that may arise where they live. Room-only accommodation was protected by common law rights.

Research conducted into the boarding house sector, the most familiar and traditional style of what we now know as 'residential services', revealed that residents were not adequately protected.

Often residents lived in conditions that the rest of the private rental sector, and indeed, the wider community, would not accept.

In the absence of clear rights and responsibilities, and accessible, equitable mechanisms for resolving disputes, residents often left or were forced from their housing because decisions about rules and disputes were solely in the hands of owner/operators.

Although it was recognised across community and government that tenancy legislation was necessary, one of the extended debates was whether boarding house residents should be covered by separate tenancy legislation.

This debate appears to centre on past legal definitions of tenant and licensee, and on aspects of this form of housing that we think warrant different legislation, for example, shared living spaces and facilities.

THE REFORM PACKAGE

The Residential Services (Accommodation) Act, which is tenancy legislation, was the focus of this study. The study also attempted to gather relevant information about the implementation of the Accreditation Act, as the Accreditation Act is linked to the Accommodation Act by way of definition of residential services.

The Accreditation Act aims to regulate standards in premises, and the quality of staff and management of residential services. This Act however, has a long lead in time, and it will not be until 2006 that we will be able to assess its overall impact.

The Acts are part of a larger reform package aimed at addressing the many issues for people living in this part of the private housing market.

This includes a program aimed at providing services and support to residents in relation to personal care through to assistance with accessing community and health services.

Of particular importance for this study, is the funding to the Tenant Advice and Advocacy Program in Queensland. This program provides information, advice and advocacy for residents covered by the new legislation. This tenant advocate network has contributed valuable information in relation to the implementation of the Accommodation Act.

CONSULTATION

The resident survey aimed to determine to what extent residents were aware of procedures and practices in residential services and whether they reflect compliance with the requirements of the Accommodation Act.

The interviews also discussed any problems that residents experienced where they lived, and whether residents were able to use their rights and address disputes in their housing.

Residents were interviewed across the different parts of the residential services sector, and in several regions in Queensland.

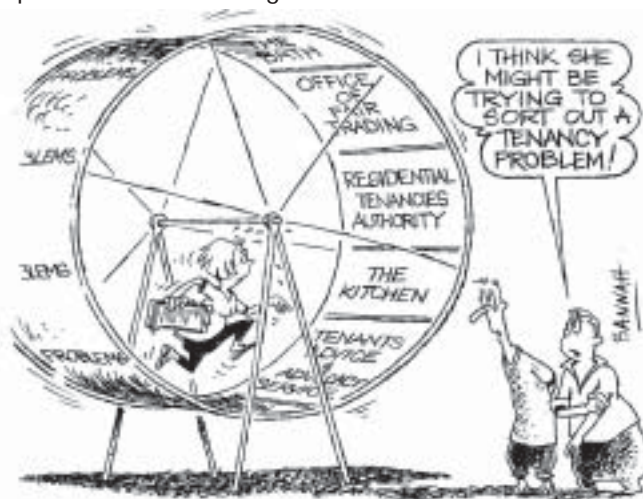
The Project worked closely with Tenant Advice and Advocacy Services in Queensland which assist residents to assert their rights under the Acts. The Project was also informed by regular consultation with disability advocates and with relevant government agencies.

FINDINGS

The Project found that there have been many difficulties associated with clarity around coverage of premises and/or residents.

There are particular problems, for example, with some aged rental and student accommodation and claims to exemption from coverage. This is because whilst the service they operate may include large numbers of units, let separately to individual residents and managed by one company or person, they are owned by individual, private owners - thus not meeting the threshold of number of lettings.

Further, some accommodation currently exempted from the residential services legislation, may house residents who are in need of clear tenancy rights. Many of these residents experience similar problems as identified for residents of more traditional residential services (such as boarding houses).



SCT UPDATE

Some issues in relation to supply and loss of stock in the traditional boarding house sector are connected to these matters. The report suggests that while traditional forms of accommodation in the residential services sector may be closing, there is a need to monitor other forms of budget accommodation, such as backpacker accommodation, which may, in the future house people in need of affordable 'room-only' accommodation.

The Accommodation Act was the focus of the Monitoring Project. The Accommodation Act represents a framework for tenancy rights for residents in residential services, but fails to provide equal rights for residents by comparison to the legislation for general tenancies in Queensland, that is, the Residential Tenancies Act 94.

RECOMMENDATIONS

This report makes a number of recommendations in relation to the provisions of the Accommodation Act. Most notably these relate to those provisions dealing with issues related to breaches of agreements, time frames for remedy of breaches, and provisions relating to ending agreements.

There are many issues for residents that can be addressed through the provision of strong tenancy rights and enforcement strategies for non-compliance.

However many residents, particularly those who may experience a disability, need 'whole of life' responses from government and community if their needs for safety and improved quality of life are to be met.

The Monitoring Report will be available shortly. To request a copy contact the Tenants' Union of Queensland statewide office in Brisbane on (07) 32571411

The Residential Tenancies Authority launches updated booklet
"Handling Tenancy Disputes in the Small Claims Tribunal"

Queensland's tenants, residents and advocacy workers are set to benefit from the release of the Residential Tenancies Authority's (RTA) newly updated publication, *Handling tenancy disputes in the Small Claims Tribunal – a guide for all parties involved in renting in Queensland*.

This booklet was first published in 2000 and is a valuable resource that assist people making applications to have disputes resolved in the Small Claims Tribunal under the *Residential Tenancies Act 1994*.

This updated edition includes information about the recently implemented *Residential Services (Accommodation) Act 2002*, so people renting privately in boarding houses, hostels and aged care accommodation will also find it very helpful.

The RTA General Manager, Carolyn Mason, said the RTA recommends attempting self – resolution first with parties talking about the dispute to try to resolve the problem themselves. If that fails, the RTA recommends parties apply to the RTA's free dispute resolution service and work with an RTA conciliator to resolve the dispute. If the dispute cannot be resolved by agreement, then a person can apply to the Small Claims Tribunal for a decision about the dispute. The updated publication will help guide parties through the process of applying to the Tribunal.

When updating the booklet the RTA consulted with a stakeholder group, including representatives from TAAS(Q), the Tenants Union of Queensland, the REIQ and the Property Owners Association of Queensland and Caravan Parks Association of Queensland.

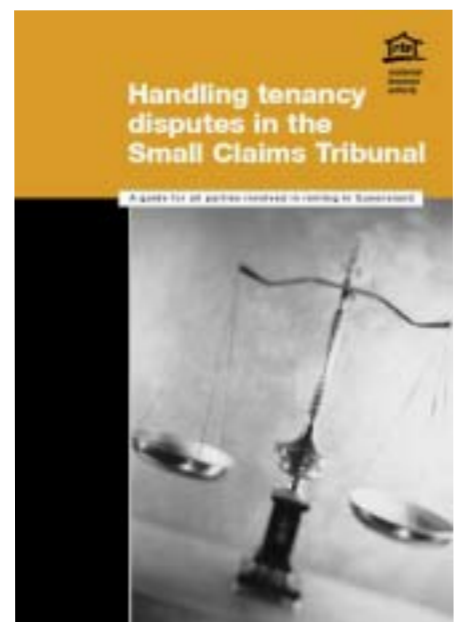
The new updated booklet contains clear, user-friendly guidelines and step-by-step information, covering the entire process of an SCT hearing, from making an application right through to attending the hearing and dealing with the outcomes.

The booklet is in plain English with hints, tips and examples that aim to demystify the legal process.

New features to assist readers include sample copies and explanations of relevant forms, handy checklists to help people preparing for a case and example running sheets to document the course of pre-trial events."

The *Handling tenancy disputes in the Small Claims Tribunal* booklet is available on the RTA website and can be downloaded from www.rta.qld.gov.au

To obtain a printed copy contact the RTA's form distribution service on 1300 136 939.



Welcome to our new Solicitor - Rebecca Peters

Your interview starts now...

You have just joined the TU as the Legal Service Solicitor. How have you settled in?

Well, everybody has been really helpful. I've taken over all the current case files from my predecessor, Anthony Austin and I got to participate in the TU tenancy law training course which got me up to speed on issues for tenants.

This is my first time working in the community sector. Not long after I started I was lucky to attend the National Association of Community Legal Centres (NACLC) Annual Conference in Adelaide. The Conference gave me a better understanding of community legal centres and community organisations.

What were you doing before you came to work at the TU?

I was a solicitor in private practice doing crime and family law. I got tired of the perception that Solicitors were all greedy and money hungry. I had to constantly explain to clients that I didn't actually get their money, that I, in fact, just earned an ordinary salary.

In private practice I hated the fact that there were people that we couldn't help just because they didn't have any money and couldn't get legal aid. Access to legal justice is important for everyone, not just the people who can afford it!

Are you a Queenslander?

I grew up in Maryborough and moved to Brisbane when I started Uni. After I graduated I went back up to Gympie to work as a Solicitor. Now here I am, back in Bris Vegas!

Are you a tenant?

Yes, I rent a beautiful beach shack in Bayside Brisbane that has very funky 1950s wallpaper!



What is your best renting experience?

Is there such a thing???

No, when I was a little girl growing up in Maryborough we rented a beautiful old Queenslander for about 6 years. I loved it but the lessor never did anything to the place so my mother fixed the place up and painted inside. The sad thing was, we made it so nice the owner kicked us out because his mother-in-law wanted to live there!

After we moved out we couldn't believe it when the lessor wouldn't refund our bond. My mother had photos of before and after and witness statements as evidence so she went straight to the Small Claims Tribunal. She didn't want to claim any compensation for all the work she had done, she just wanted to get all her bond money back. And she did. So the story had a happy ending!

What is your worst renting experience?

Getting my bond fully refunded and then two weeks later being told that I owed two weeks rent. What the??

Also when sharehousing with 8 other people in Brisbane being told that our bond wouldn't be released until we had cleaned the top of the ceiling fans!

What drew you to work at the TU?

Feeling like I am part of a cause and not just sitting there thinking about it. As a tenant, realising that a lot of tenants get crap deals.

We know that you are just new but what do you think are some of the key legal issues facing tenants in Queensland?

Rights in general. Probably more specifically, tenants being concerned about raising problems with landlords/real estate agents because it may affect their security of tenure.

What do you hope to achieve in your work at the TU?

Establishing precedents for tenants and trying to make landlords realise that tenants do actually have rights.

Do you own a pet? Are you a cat person or a dog person?

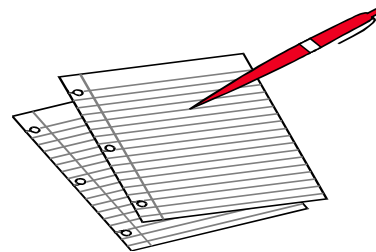
I am definitely a cat person. I have an 18 year old cat named Fluffy and she is the most beautiful cat in the cosmos.



Are you a league, union or AFL person, or just a couch potato?

Well I don't really follow football, but I do occasionally watch it. I am football ignorant, to the extent that when I was a student in Brisbane Kevin Walters used to come into the newsagency where I worked and one day I told him that he looked very familiar. It was only later a friend told me who he was. It just goes to show how much I know about footy!

casenote



From the Desk of the Legal Service

Rent card case study

Tenant successfully negotiates

Serena received a letter from the real estate agent stating that they are changing the way that rent is to be paid to Rent Card. Her tenancy agreement states that rent is to be paid by bank deposit and she is happy with this method. She did not agree to the change in the way rent is paid especially when she found out about the fees and charges involved and that the Rent Card Company requested her bank account PIN. This she asserted was a breach of her bank contract and not good practice to give a PIN to anyone else. Serena wrote to the real estate agent and said she did not agree with the change in the method of paying rent.

The real estate agent replied that they wanted to change the method of paying rent outlined on the tenancy agreement and would close the bank account where Serena deposited the rent. They offered the following alternatives rent could be paid by Rent Card, Money Order or Bank cheque.

Once again Serena did not agree with any of these methods, all involved fees and were inconvenient, she phoned the Tenants' Union Advice line. The advice worker looked up s47 of the Residential Tenancies Act; none of the alternative methods offered by the real estate agent are approved methods of paying rent.

Serena wrote back to the agent stating again that she did not agree with to the change and would continue to pay the rent by bank deposit as her tenancy agreement stated. The bank account is still open and she continues to pay her rent by bank deposit.

If the matter goes further Serena has copies of correspondence and a good understanding of the issues relating to Rent Cards.

We have received a number of complaints recently from tenants about the increased use by real estate agents of rent card systems. It appears that agents are continuing to impose the rent card rent payment system upon tenants, in many cases unlawfully.

Real estate agents have sent tenants notices stating that rent card is the only way the agency will accept rent payment. When tenants continue to attempt to pay the rent in their usual way, for example in cash, the real estate agent has refused to accept the rent payment.

S.47 of the Residential Tenancies Act provides that a tenant must pay the rent in an approved way and in accordance with the agreement. If the lessor wishes to change the way that rent is to be paid the change is only valid if the tenant agrees in writing to the proposed change. Should the tenant not agree to the change then rent would continue to be payable using the method stipulated in the agreement.

The Residential Tenancies Act provides that collateral contracts are prohibited (s.95). This section is relevant for prospective tenants. Basically it means that a person must not require that the prospective tenant agree to buy goods and services from another person as a condition for renting the premises.

The Act also sets out specific approved methods of rent payments. Approved methods of rent payment include cash, cheque, direct debit etc. These approved methods do not include rent cards. However parties can "agree" to alternative rent payment methods.

Our perception is that **forcing** tenants to use rent cards is in breach of the *Residential Tenancies Act 1994*, and a tribunal needs to make a decision as to whether the use of rent cards are a valid means of paying rent.

One of the reasons that the Tenants' Union is strongly against the use of rent card is the fact that tenants are not given a choice. Many tenants do not understand the contracts when they sign them and do not realise that rent cards come with potential huge fees and charges.

Agents must provide "reasonable" rent payment choices. Agents that propose rent card as a method of paying rent often give tenants no other reasonable option. In one case the agent offered back cheque or money order options but the fees for these methods are excessive.

As this issue is becoming more relevant, there seems to be a need to bring this into the public arena and perhaps lobby for law reform. The issue is whether a tenant should have to incur costs for payment of rent. Our point of view is that tenants shouldn't have "to pay" to pay their rent.

If the rent card system is imposed during the agreement then the Real Estate Agent is in breach of the Act. If an agent refuses to accept rent paid in the usual way then tenants could issue a Form 11 Notice to Remedy Breach for non-acceptance of rent.

New Irish tenancy laws strengthen tenant rights



New tenancy laws in Ireland

In Ireland new tenancy legislation giving more rights to tenants in the private rental accommodation sector has been signed into law by President Mary McAleese.

The Residential Tenancies Act in Ireland now gives tenants the right to stay in a property for four years once they have resided there for at least six months, and entitles them to longer notice periods linked to the length of their tenancy.

It also bars landlords from changing rents more than once a year, unless there has been a substantial change in the accommodation.

The new laws establish a special board to resolve disputes between landlords and tenants. This board will also be responsible for registering landlords, monitoring the rented sector and advising the Government about policies in this area.

[IRELAND ONLINE - 22 JULY 2004]

Tenants in Ireland really do have the luck of the Irish. Under new Irish tenancy laws tenants will be able to enjoy greater security of tenure. Most importantly their new legislation also recognises the rights of long term tenants by making provision for longer notice periods when people have rented a place for a long time.

Here in Queensland if the lessor wants to end your tenancy the notice you are entitled to is the same whether you have lived in the place for one year or for 20 years!

If you are coming to the end of a fixed term agreement the lessor can give you as little as 2 weeks notice to move out without grounds (reasons). If you are a periodic tenant and no longer on a lease the lessor can ask you to leave without grounds (reasons). If this happens the lessor is only required to give you 2 months notice to leave.

Because lessors can end a tenancy without grounds and do not have to give a reason, lessors and agents often use termination, or threats of termination as a way to retaliate against tenants who stand up for their rights.

Under the Residential Tenancies Act tenants can dispute Notices to Leave issued for retaliatory reasons however, these actions are often unsuccessful in the Small Claims Tribunal. This is because the Act does not limit the lessor's right to end the tenancy and does not require the lessor provide a valid reason.

As tenants are all too aware, when you rent a home you are extremely powerless. Tenants always know that if you take steps to stand up for your rights, to challenge excessive rent increases or dispute issues with the lessor, you risk the possibility of retaliatory eviction or not having your lease renewed.

Moving house is always expensive and emotionally demanding. For tenants on low incomes however, it can sometimes take years to recover from the expense of having to move and it can be extremely difficult to find alternative affordable rental accommodation.



Insecurity of Tenure - A Queensland Story

In a recent case a tenant and his family rented a place for 3 years but were evicted "without reason" when they asked for repairs to be done. The Tribunal failed to set aside the "retaliatory" eviction notice.

There were a number of outstanding repair issues in the rented property. When the tenant finally issued the real estate agent with a Notice to Remedy Breach form, instead of doing the repairs, the agent simply issued the tenant with a Notice to Leave at the end of the lease, without grounds (without reasons).

The tenant had to move out at the end of the lease. This was financially devastating for the tenant who was on a low income and had a young family. He knew the cost of moving would set him back financially for two years.

As more people continue to rely on the private rental market for long term, stable housing, tenancy laws must ensure that their rights are protected. Tenants need to know that they can enforce their legal rights without fear of eviction.

Tenancy law needs to recognise that tenants need secure long term accommodation and must protect tenants from retaliatory eviction. One way to do this is to limit termination to "Just Cause" eviction where the lessor has to provide a valid reason in order to terminate the tenancy.



Park Closures Continue

With the increasing cost of land in suburban and coastal areas, development pressures on caravan parks continue. As a result, more and more caravan parks are being closed down and sold for re-development.

These closures destroy entire park communities and displace many people who have limited housing choices.

Park closures affect both tenants, who own or rent their caravan and are covered under the Residential Tenancies Act, and mobile home owner-occupiers, who are covered under the Manufactured Homes Act.

When a park closes both tenants and residents are faced with the daunting challenge of finding alternative accommodation and moving out.

For people who own caravans or mobile homes moving the van can be expensive and in some cases impossible.

Caravan park tenants, whether they own their van and rent the site, or rent both the van and the site, are entitled to at least 2 months notice to leave if the park is being closed.

Under the Residential Tenancies Act tenants are not entitled to compensation when a park closes, no matter how long they've lived there!

For Manufactured Home Owners, if the park owner wants to end the agreement the park owner must apply to the Consumer Traders Tribunal to terminate the agreement. The CTT hears matters covered under the Manufactured Homes Act.

When terminating an agreement under the MHA the Tribunal can award compensation to the homeowner for the costs of moving the manufactured home.

A Night of Reel Social Justice



There may not be red carpet but there will be plenty of tears, cheers and possibly beers when the Onsite Network holds its premiere of the documentary, *A Place of Our Own*, at the Brisbane Powerhouse on Thurs 21st October.

Documenting the story of the Goodna/Gailes caravan park community development project, *A Place of Our Own*, joins a recent series of videos highlighting what life is like for residents living in a caravan park.

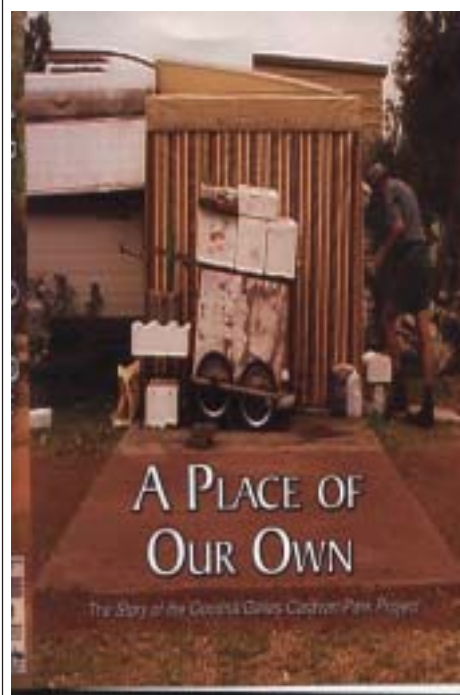
A Night of Reel Social Justice will showcase excerpts from these recent videos, provide an opportunity to meet the filmmakers and focus attention on the critical Queensland housing issue of caravan park closures.

Through the eyes of the caravan park residents we witness their devastation and grief at being evicted from their homes and displaced from their community. The human cost of caravan park closures is captured by Catherine, a resident at Riviera Caravan Park. Sitting in the van that she thought would be her home for life, Catherine is interviewed just prior to the park closing. In an understated heartfelt expression of loss, Catherine sums up her despair at being evicted:

"I just thought I would spend the rest of my life here but nuh it's not going to work that way".

A Night of Reel Social Justice is a celebration of the courage of the residents to tell their stories and the tenacity of the community and government workers that assisted during the caravan park closures. Hopefully it is also the launching pad for a government commitment to real social justice for caravan park residents.

For more information about "A Night Of Reel Social Justice" contact Peter Mott at Onsite: ph: 3393 2433 or Email: onsite@qshelter.asn.au



A Place of Our Own

(Community Renewal)
(DVD & video, L-space productions 2004)
(1 hour 40min)

A thoughtful record of the Goodna/Gailes caravan park project. Part A is a commentary on the project by residents and project workers, including a music video featuring some residents. Part B provides community and government stakeholders with an opportunity to reflect on the rationale, challenges and achievements of the project. Part C highlights the impact of caravan park closures on residents and the complex issues involved in responding to the closure for community and government workers.

TU advocating for caravan park tenants & residents

When the Tenants' Union was first formed in 1986 renters in caravan parks were not protected under any tenancy laws. There were also no laws to protect the new and growing sector in caravan parks of "mobile home" owners.

In 1989 the Qld government introduced the Mobile Homes Act. This Act protected owner-occupiers of mobile homes but failed to address issues for tenants in caravan parks.

The Tenants' Union lobbied for caravan park tenants to be included under tenancy laws. When the Residential Tenancies Act was introduced in 1994 it included caravan park tenants for the first time.

In 1992 the Tenants Union had employed a 6-month project worker, Dick McLaren, as a Caravan Park Organiser. This project aimed to encourage residents in caravan parks to become aware of their legal rights and to lobby for better laws.

Dick was himself a tenant in a Brisbane caravan park and really understood the issues affecting residents. Dick helped park residents form the Caravan and Mobile Home Residents' Association.

Today CAMRA continues to assist tenants and residents in caravan parks. CAMRA provides a statewide telephone advice service for caravan park tenants via 1800 061 142 or in Brisbane on 3893 0733.

In 2001 the Tenants' Union participated in the government review of the Mobile Homes Act. The new Manufactured Homes Act was finally introduced earlier this year.

While the TU does not provide advice or training in the Manufactured Homes Act, we continue to advocate on behalf of tenants and low income housing consumers, including residents in caravan parks.

The Manufactured Home Owners Association

The original meeting of the Manufactured Home Owners Association (Residential Parks) (or MHOA (RP) for people who like acronyms!) was held in Nerang in 1996 and attended by many residents, from both the Caravan and Mobile Home Residents' Association of Queensland (CAMRA) and the Park Residents' Association.

At this meeting a motion was put forward that another association be formed to help residents in Mobile Home Parks throughout Queensland, and so the Mobile Homes Association (MHOA) was born.

Money was donated from a number of resident's associations that were already established in many parks on the Gold Coast, to help form the new organisation. There was also a large membership drive with good results.

Recently the organisation has changed its name to the Manufactured Home Owners Association (Residential Parks) (MHOA)RP reflecting the change in name of the legislation.

Altogether the MHOA RP has been in existence for 8 years. It is a non-profit organisation existing on memberships. We have 340 members, a number growing every day. A network of volunteers runs the Association and computers help keep members in touch instantly.

Our aim is to provide knowledge and information to members on their rights under the new Queensland Manufactured Homes (Residential Parks) Act 2003, which was proclaimed on 1st March 2004. The Office of Fair Trading has developed fact sheets that explain briefly the changes in the new Act, and the 9 new forms that have come into operation with the new Act.

Under the old Mobile Homes Act 1989, houses were named Mobile & Relocatable thus creating confusion, so under the new Act 2003 the houses have been renamed Manufactured Homes.

A Manufactured Home is a house transported into, or built onsite in a caravan park or village. The permanent resident home owner owns the house, but rents the land from the park owner. In legal circles the houses are known as chattels, because the land is not freehold, it is leased.

The new Act is the result of a lot of hard work by various bodies, including the Manufactured Home Owners Association (Residential Parks), who participated in the government working party on the Review of the Mobile Homes Act, that was held over 10 weeks in Brisbane in 2001.

The new Act gives greater protection to permanent resident home owners, in parks and villages.

Residents choose this way of living, for the following reasons, safety, companionship, easy maintenance of their house, & low rental in comparison with rental units and houses in the outer suburbia market.

To contact the Manufactured Home Owners Association (Residential Parks) www.mhoa.info or inquiry@mhoa.info or P/F secretary 5494 3321

Yours Sincerely Marj Powerlett
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northern news



Do Body Corporate Community Management Rules, Rule?

Who lives in a unit, townhouse or gated community? I'm guessing that a lot of you have put your hands up. I know that up here in the north the building boom in units is still pushing ahead. For tenants the application of body corporate rules in these types of premises and a lack of understanding about these rules can lead to tenancy problems.

Whether you rent your home in a little block of 6 units in the suburbs, a city high rise, a trendy townhouse/villa complex or in a gated community of freestanding or duplex houses, the chances are that along with the Residential Tenancies Act 1994 your tenancy will also be captured by the Body Corporate Community Management Act 1997.

Coverage by the BCCM'97 means that the body corporate by laws apply to your tenancy, in fact the by-laws become a term of your tenancy agreement and any breach of the by laws is also a breach of your tenancy agreement.

However section 142 of the BCCM '97 states that by-laws cannot be inconsistent with another act. If tenants find that they are in dispute with a body corporate about a by law, and that by-law is inconsistent with the RTA'94 then the by law is void.

Tenants are often not aware that by laws apply to their tenancy until they have a 'run in' with a member of the body corporate, often an owner-occupier objecting to a breach of the rules by the tenant.

Under the Residential Tenancies Act 1994 (s.45) it is a serious offence for lessors to fail to make tenants aware of the application of the by laws. Under the Act the Regulations state that the lessor must give tenants a copy of those by laws relevant to their occupation of the premises and use of common areas and facilities.

This means that whoever you deal with, whether it is the lessor, a real estate agent or an on-site manager, they should make you aware of the body corporate by laws and provide you with a copy so that you can comply with your obligations.



Non-compliance by lessors in notifying tenants about by laws can create a situation where tenants unknowingly breach their tenancy agreement.

As the proportion of tenants who live in this category of premises increases tenant advice workers are concerned that tenants' are being disadvantaged compared to owner occupiers.

Breaches of the Residential Tenancies Act 1994

Issues that arise for tenants who live in premises governed by body corporate by laws include:

- On-site managers or self-managing Body Corporate Committees fail to ensure that tenants' right to privacy are upheld in line with the RTA'94. For example if building inspections, structural repairs or pest extermination are to be carried out tenants are often not provided with the appropriate notice under the RTA'94, Body Corporates may have informed lessors about the necessary maintenance but they may not have allowed enough time for lessors to provide the correct notice periods to their tenants, or lessors may not provide their tenants with notice at all.
- Failure to inform tenants about the application of by-laws or if tenants know that by laws apply they have not received copies and so are not aware of their obligations until they have breached. For example in one case tenants moved into a townhouse complex, where each townhouse had a private courtyard, and set up their home gym equipment in the courtyard only to be informed that they where in breach of the RTA'94 because they failed to comply with a by-law that forbid storage of equipment other than outdoor furniture in the courtyard.
- Inability of tenants to have repairs and maintenance carried out that are structural or apply to common areas or facilities because this type of repair or maintenance is the responsibility of the body corporate. For example poorly managed body corporates may fail to respond to damage to driveways, poor lighting in corridors or hallways, damage to laundry facilities etc thereby placing lessor's in breach of their obligations under the RTA'94 and disadvantaging tenants.

continued page 14

Code of Conduct for Managers

In 2003 amendments to the Body Corporate and Community Management Act '97 commenced. The most significant development for tenants is that the BCCM now incorporates two new Codes of Conduct, one for Body Corporate Managers and Care-taking Contractors (on site managers) and the second for Letting Agents (real estate agents). Provisions include:

- ◆ Managers and agents must have knowledge of the BCCM;
- ◆ Managers and agents must act with honesty, fairness and professionalism;
- ◆ Managers and agents must act with skill, care and diligence;
- ◆ Managers and agents must ensure that their employees comply with the code;
- ◆ Managers and agents must not engage in fraudulent and misleading conduct;
- ◆ Managers and agents must not engage in unconscionable conduct;
- ◆ Managers and agents must not let a conflict arise between their duties under the BCCM and their personal interests;
- ◆ Managers and agents must provide goods and services at competitive prices.

The Codes are roughly the same with a slight difference in the Letting Agents Code imposing a duty on letting agents not to interfere unreasonably with the use or enjoyment of a lot, common property and not to behave in a way that unreasonably affects a persons lawful use or enjoyment of a lot or common property.

Some of the obligations under the code are similar to obligations that apply to real estate agents under the Property Agents and Motor Dealers Act, Code of Conduct

Unprofessional conduct

Tenants have reported that in their dealings with on-site managers or voluntary Body Corporate committees who manage their own blocks of units there is a failure to comply with the BCCM'97 Code of Conduct.

Intimidation and bullying behaviours, poor management practices and ignorance of the BCCM'97 and the RTA'94 the most obvious failures.

In cases where on-site managers or letting agents are threatening or intimidating to tenants, or act against the provisions of the BCCM, tenants can take action.

For example a bad tempered on site manager who turns up at a tenant's door to do 'do it yourself' maintenance and who verbally abuses the tenant when the tenant objects would be in breach of, entry and objectionable behaviour provisions of the RTA'94, and also the professionalism, skill, unconscionable conduct and reasonable use and enjoyment criteria of the BCCM Code of Conduct.

This example is not a 'one off' but a regularly occurring scenario for tenants.

Collateral Contracts Prohibited

A further concern raised by tenant advocates relates to conflict of interest when tenants are expected to use particular cleaning or carpet cleaning companies. On a number of occasions tenants were aware that the named businesses were owned or part owned by the onsite managers.

Collateral contracts, in which tenants are required to buy particular goods or services are prohibited under the RTA '94 . If such a demand were a term of the tenancy agreement the lessor would have committed a serious offence. Under the BCCM tenants could also point out any possible conflict of interest or excessive charges as breaches of the BCCM Code of Conduct.

Excessive fees and charges

Excessive fees and charges are regularly applied to tenants and not to owner occupiers. Some examples include; payment of a fee for access to the pool area; payment of a fee when tenants have locked themselves out (not key replacement), non negotiable charges for rubbish bin cleaning (tenants are not afforded the opportunity to clean their own bins) and non negotiable charge for lawn maintenance. Some tenants are being charged \$10 per week for tiny courtyard lawns.

The reasonable conclusion is that tenants are bearing the costs and Body Corporates or On-site managers are scooping up the profits on maintenance charges.

Discriminatory practices

Many tenants complain that, aside from the fees and charges that do not apply to owner-occupiers, further discriminatory practices exist. For example, rules about the use of common areas and facilities are applied to tenants and not to owner-occupiers.

One example cited by a number of tenant advocates related to the exclusive use of pools, barbecues or tennis courts by owner occupiers, another was that tenants with old cars where denied access to off street parking.

What can you do I hear you ask?

Well it is important for tenants to know that in disputes with their lessor they can use the RTA's dispute resolution process.

Disputes between tenants and body corporates are dealt with by the dispute resolution services available under the BCCM'97 through the Office of the Commissioner for Body Corporate and Community Management. Information about the dispute resolution process is available online www.dtrft.qld.gov.au or phone directly on 32277654.

Speaking from experience

Tenancy Education with Diverse Communities *Feedback from a Bilingual Community Worker*

The Multicultural Development Association (MDA) is based in Stones Corner in Brisbane and provides settlement services for 65% of humanitarian refugees that arrive in Queensland.

During the last few months the Tenants' Union community education program has worked in collaboration with MDA in Brisbane to provide tenancy information sessions to bilingual community workers (BCA) and tenants from Afghani, Iraqi and soon, Pacific Islander communities.

These information workshops have been organised by MDA and funded under the RTA community education grants program.

The tenancy information sessions have been held on weekends or after work and wherever the community meet; under houses, in communal living rooms, and in local halls.

Interpreters have assisted communication at the workshops and people attending these sessions have been enthusiastic. For some participants this is their first opportunity to have Old tenancy rules explained to them, and to discuss their tenancy issues and have their questions answered.

The renting experience of migrants and refugees is similar to many other tenants, they struggle to find affordable accommodation that is close to schools, transport and their community networks, have problems getting repairs done during their tenancy and can experience problems getting their bond back when they move out.

Whilst these problems are common to many renters, tenants from non-English speaking backgrounds face additional language and cultural barriers, which makes dealing with these tenancy issues difficult. Recent arrivals are also under enormous stress as they try to settle into a new and unfamiliar country.

Tenants from non-English speaking backgrounds are less likely to be aware of tenancy laws, where to go for help and how to deal with tenancy problems. This makes them vulnerable to exploitation and discrimination in the rental market

As many people who have attended these sessions have said "I wish I had access to this information when I first arrived in Australia and started renting – it could have helped me avoid lots of problems".

Good News - The "Renting a Home" booklet is now available from the Tenants' Union in English, Arabic and Bosnian. Visit our website at www.tuq.org.au or contact the TUQ office to order copies on (07) 3257 1411.

Most people don't know a lot of information about tenancy. This problem becomes worse for recently arrived migrants and refugees who find themselves living in a completely different society with new rules for everything.

The experience of recent arrivals highlights the importance of the "Tenancy Information Training for Bilingual & Community Workers" workshop provided by MDA and the Tenants' Union.

The information presented was very important, not only for people from the Iraqi or Afghani community but also for everyone, including Australian people, who rent but may not know about tenancy law.

At the workshop Ms Wendy Herman from the Tenants' Union explained renting rules in Queensland very well, beginning with "Housing in Australia" which can be very different from other countries, followed by information about tenant rights and responsibilities and solving tenancy disputes.

Information was given on the different services available for tenants including the Residential Tenancies Authority (RTA), the Tenants' Union of Queensland (TUQ), Tenant Advice and Advocacy Services (TAAS), and the Department of Housing.

Often new arrivals have no idea about systems in Australia like police, health, housing, education, etc. From new arrivals point of view, there is a high need for more information and good explanation about all Australian systems and rules.

This information can be given to them either through newsletters or information sheets written in their languages. Arranging meetings and workshops in their community halls can also pass on information.

by Sabah AL ansari



Above - Sabah AL ansari, seated at left, attends a tenancy information session for bilingual and community workers presented at the MDA by Wendy Herman, the Tenants' Union Community Education Worker..



The Residential Tenancies Authority Taking Action for Non-compliance

The RTA has the power to prosecute parties that commit offences against the Residential Tenancies Act. However the main aim of the RTA is to encourage parties to comply with the Act. The RTA will only prosecute an offence as a last resort when parties refuse to comply or when the matter is particularly serious. RTA prosecutions are authorised by RTA General Manager, Carolyn Mason, and are only approved after a thorough investigation by the RTA's Legal and Investigation Unit.

Most offences under the Residential Tenancies Act relate to lessors and agents however the Act also has several offences for which tenants may be liable. It is not commonly recognised that as well as prosecuting offences relating to lessors and agents the RTA can also investigate and prosecute tenants.

The sort of offences that tenants may be liable for include failing to provide a forwarding address at the end of the tenancy if requested, or charging other tenants bond money and then failing to lodge that money with the RTA.

Offences under the RTA

The following is a breakdown of the offence provisions prosecuted:

- rental bond offences (failure to lodge with the RTA and requiring more than the maximum bond)
- failure to comply with receipt/rent record requirements
- failure to provide required documents at the start of a tenancy:
 - ◆ written tenancy agreement
 - ◆ other documents, eg condition report, information statement
- failure to give a forwarding address at the end of a tenancy
- unlawful recovery of possession of premises
- contracting out
- false or misleading documentation to the RTA.



RTA Prosecutions

In 2003 the RTA finalised 24 prosecutions under the Residential Tenancies Act at centres, including Redcliffe, the Gold Coast, Dalby, Kingaroy, Charleville and Bundaberg. Of these, 18 resulted in convictions against the defendants on a total of 70 charges.

The following are some matters successfully prosecuted in 2003.

Case study 1

A lessor in Fortitude Valley in Brisbane was prosecuted for several breaches of the Act. In this case a Japanese student entered into a tenancy with the owner of the Fortitude Valley apartment to rent the top floor of that apartment for \$150 per week. The lessor required a bond of \$1200 and a key deposit of \$15 (a key deposit is also a rental bond). The RTA prosecuted the lessor for failing to lodge a rental bond (s59), taking a bond in excess of the maximum allowed (s77) and failing to produce relevant receipts and documents (ss43, 39, 76). The lessor was fined \$4000 and ordered to pay the RTA's costs and lodge \$1215 with the RTA.

Case study 2

A Charleville real estate agent was concerned by what appeared to be systemic non-compliance with the Act by another agent from whom they purchased a rent roll. In particular, there was evidence that a number of bonds that had been taken and recorded as being lodged with the RTA had not been received at the RTA.

The RTA's investigation focused on tenancies where the bonds were still outstanding and succeeded in having all of these bonds lodged or accounted for.

In this case the circumstances were sufficiently serious to warrant prosecution. The real estate agency's business was carried on by a company that was no longer operating in the rental sector so instead of prosecuting the company, the RTA prosecuted the director of the company and the manager responsible for its daily operations.

They were prosecuted under s276(2) – failing to ensure their company complied with s59 of the Act (Duty to Pay Rental Bond). Both pleaded guilty to 13 charges arising from the non-lodgement of rental bonds for 10 separate tenancies totalling \$3125.

The matter was transferred to the Charleville court to allow each to put their special mitigating circumstances to the court personally. The magistrate fined each person \$1000 and ordered them to pay the RTA's costs.

Case study 3

In two separate matters, the RTA prosecuted two tenants under s115(2) for failing to provide their former lessor/agent with a contact address at the end of the tenancy.

- In Dalby, the tenant told the RTA she arranged for a friend to pass on her new address, but the friend denied being told this address. The tenant pleaded guilty and was fined \$400 and ordered to pay the RTA's costs.

RTA takes action cont...

➤ In Brisbane, the tenant, when asked by the lessor for her new address, gave a false contact address on Form 4. The tenant failed to respond to her summons, and was fined \$500 and ordered to pay the RTA's costs. She successfully applied for a re-hearing where she detailed her circumstances, and had her fine reduced to \$240.

TUQ note: Under Section 115 of the Act if requested in writing to do so tenants are required to provide the lessor with a new residential or postal address when moving out. However tenants do not have to tell the lessor or agent their new address if they have a reasonable excuse for not doing so.

Other results and investigations

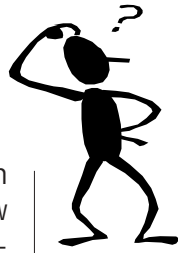
In addition, the RTA unsuccessfully prosecuted six matters in 2003:

- Three were withdrawn on medical/compassionate grounds after voluntary compliance was achieved following prosecution.
- Two were withdrawn after the defendant provided information not supplied during the investigation. (In one instance, the defendant still had to pay the RTA's legal costs of \$500.)
- One defendant was found not guilty.

The RTA is currently investigating and prosecuting a number of other cases and details will be published in later editions of their newsletter.

Information in this article is based on information in the June 2004 of the RTA Update magazine.

The RTA Update is available online at www.rta.qld.gov.au.



tenancy tips for troubled tenants

Q & A

Q I think my bond has not been lodged with the RTA. What can I do?

A Under Section 59 of the Residential Tenancies Act a person who receives a bond must lodge the money, and a bond lodgement form, with the Residential Tenancies Authority within 10 days. Failure to do so is an offence against the Act.

If you wish to report a possible offence to the RTA for investigation you must lodge a written complaint with the RTA Legal and Investigations Unit. You will need to provide evidence to support your complaint.

For example if your complaint relates to a lessor or head tenant's failure to lodge your bond with the RTA you will need evidence, such as a bond receipt, to prove you have paid the bond.

In some cases knowledge of the requirements of the Act may help you to resolve the matter quickly through direct negotiation with the other party and without needing to pursue a complaint of non-compliance.

You can write to the person pointing out that under the Act they must immediately lodge the bond with the RTA. You can point out that if they fail to do so you will lodge a complaint with the RTA Legal and Investigations Unit. Alternately, if you have already moved out, you can ask them to immediately return the bond money to you in full and if they don't you will lodge your complaint with the RTA. To help resolve the dispute you can also apply to the RTA Dispute Resolution Service.

In cases where it is necessary to lodge a formal complaint with the RTA you will need to obtain a complaint kit from the RTA Legal and Investigations Unit.

The RTA cannot begin their investigation until you send them your written complaint and copies of your evidence. The RTA will then allocate an investigations officer to your case.

Be aware that when the RTA receives a complaint the investigation process may take some time. If the matter has to go to court it may take the RTA from 6 to 12 months to investigate and prosecute the offence. So...it won't happen overnight but ...it will happen!

Q I have moved into a share house and paid my bond to the outgoing tenant. What should I do to make sure I get my bond back when I move out?

A If you move into a share house you should always get a receipt when you pay your bond. In share houses you can use a Change of Shared Bond form 6 to record changes in an existing bond held by the RTA.

Before you send the form into the RTA it must be signed by you and by both the former tenant/s and continuing tenant/s. Remember you can only use a Change of Shared Bond form if one of the original tenants remains in the tenancy.

Alternately if you have a separate sub-tenancy agreement with a head tenant then consider getting the head-tenant to lodge your bond lodged separately using a Bond Lodgement form 2.

This is not the way home

Homelessness is not a choice for most, no matter what is depicted in movies, writes Chris Middendorp.

In the new Australian film "Tom White", Colin Friels portrays Tom, a depressed middle-aged, middle-class man who deserts his family and chooses to live on the streets. At the end of the film, Tom returns to his family, but we don't really ascertain why.

The film, although good-hearted, makes homelessness look like a musty overcoat you can put on for a while then take off again when you've come to your senses.

The roofless, rootless people depicted in Tom White are grizzled, ageing, sherry-drinking men - the favoured underclass cliché of movies and TV. That stereotype continues to exercise a powerful hold on our imaginations. In reality, almost half of Australia's 100,000 homeless are under 25. 65% are women. Sadly, 36,000 of them are children.

Friels has said that the film isn't intended to be a serious expose of homelessness. Unfortunately, simply because it is a movie, it is bound to influence many people's understanding of a world they do not inhabit and possibly go out of their way to avoid.

When I saw it, an impromptu discussion began between some people sitting near me in the cinema. The cause of homelessness, they concluded, was down to "whether or not you can hack the real world". If only they knew the real world of the homeless.

The character Tom White chooses a life on the streets, but this rarely happens in the "real world". In my experience, people generally become homeless because of circumstances beyond their control - factors such as unemployment, poverty, abuse, disability and the chronic shortage of low-cost housing.

A home is as vital to our wellbeing as oxygen. Without this shelter and comfort, our lives are literally in peril. In the romanticised fantasy of Tom White, a burnt-out man learns to become human again by choosing to live on the streets. It's a poetic and charming notion, but it's nonsense.

In reality, homelessness is a physically and spiritually punishing lifestyle. Smug nobility has no place when you're struggling to survive. For the real Tom Whites, establishing a home is their only genuine path out of despair.

See the film and support Australian cinema but remember that when you leave you get to go home too. Ed

This is an edited version of an article by Chris Middendorp from Hanover Welfare Services that appeared in The Age on SEPTEMBER 18 2004

Leaking Roofs Report

On International Tenants' day the National Association of Tenant Organisations (NATO) will launch an updated version of the 'Leaking Roofs' report.

The Leaking Roofs report provides an overview of tenancy issues in Australia. It provides a comparison of legislation across the States and Territories and puts forward recommendations around national reform issues. Some recommendations refer to broad housing matters, such as the need for a National Housing Policy Framework and an increase in funding for social housing. However the majority of recommendations relate to the rights of tenants under tenancy agreements.

The tenancy rights recommendations look at who is covered by tenancy legislation, rent and other costs, tenancy terms and conditions (such as quiet enjoyment and habitability), security of tenure, terminations and evictions, dispute resolution and access to housing (eg. the use of tenant databases and discrimination).

In the lead up to the Federal election, NATO has issued surveys to each of the major political parties asking their policies in regard to key areas of the Leaking Roofs recommendations. Their responses will be circulated at the launch of the report on International Tenants Day.

NATO is an unfunded federation of State and Territory based Tenants' Unions and Tenant Advice Services across Australia. Its membership includes the Tenants Unions of Queensland, Tasmania, ACT, New South Wales and Victoria, the Western Australia's Tenants Advice Service, and Shelter SA. The Darwin Community Legal Centre represent tenants in the Northern Territory. NATO is Australia's representative member of the International Union of Tenants.

Face to face meetings of NATO are held each year at the of the National Association of Community Legal Centres annual conference. Subsequent telephone hook ups are held throughout the year. NATO is a participating organisation in the National Shelter Council, where it has affiliate membership. NATO's work is undertaken by each of the State based Tenants' Unions, to the extent they are able.

Whilst the Federal election provides an immediate focus, NATO sees the launch of the Report as the start of a long term national campaign to improve tenancy laws.



Fire Safety

Did you know that most house fire fatalities occur in rental premises that do not have smoke alarms? Installation of smoke alarms in new residential properties became compulsory in Queensland in 1997. If you have an older property ask your lessor to install a smoke alarm, or get permission to install your own (you can take it with you when you move).

Remember that if there is an accidental fire your lessor's insurance will not cover the replacement of your possessions. Fire safety information is available from the Queensland Fire and Rescue Service to help tenants. You can also free call 1800 81 50 80 to invite a firefighter into your home to do a fire safety check. This is a free service. This information is part of a new campaign by the QFRS to improve fire awareness in rental premises.

Web Update- www.tuq.org.au

Tenants are invited to visit the new updated Tenants' Union website at www.tuq.org.au

With a fresh new look the site is easy to navigate with more tenancy information and on-line resources for tenants than ever before!

Noise



Have you ever wondered what rules there are for making noise in your local community? Well to answer all your questions the Brisbane City Council has put out a series of information sheets about **NOISE**. Council noise regulations are based on the Queensland Environmental Protection Regulation 1998 which covers noise limits for fridges, air conditioners, building work and regulated devices such as lawn mowers and power tools. For more info contact your local council.

Indigenous Tenant Newsletter

The TU Indigenous Tenant Education Project (ITEP) has released its 2nd newsletter. Contact the ITEP worker, Pat Cora, in the North Queensland office or the Brisbane statewide office for copies.

Join Now!

If you want to receive future issues of United Times or if you simply want to get that warm inner glow that Tenants' Union membership offers, become a member today.

Copy and complete this form and send it along with your payment to the Tenants' Union address below. You can use postage stamps to pay your membership fee.

APPLICATION FOR MEMBERSHIP

Name:.....
Title First Name Surname

Address:.....

Town/Suburb Postcode

Phone (.....)

Alternative Contact Address.....

TYPE OF MEMBERSHIP

Please tick the box relevant to you:

Ordinary Member

- Someone who rents their home;
- Someone who owns their home but who is not a lessor/real estate agent;
- Organisations that do not provide housing.

Associate Member

- Tenants who are also landlords;
- Tenants who are also real estate agents;
- Organisations that provide housing.

Tenancy type ~ please indicate your tenancy type

- Private rental house/flat/unit/duplex;
- Caravan park
- Boarding House
- Public housing

ANNUAL FEE

Individuals: (GST free)

Waged: \$5
 Unwaged: \$2

Organisations: (GST inclusive)

Community Groups: \$22
 Other Organisations: \$55

Enclosed \$ _____ for membership of the Union

Enclosed \$ _____ as donation to the Tenants' Union

I agree to abide by the aims and objectives of the Tenants' Union of Queensland Inc.

Signature.....

Please return to the Tenants' Union of Queensland Inc at:
28 Robertson Street Fortitude Valley Qld 4006



Tenancy Advice and Advocacy Services

Brisbane &
Surrounds

INNER SOUTHERN SUBURBS

Brisbane Inner Southside
TAAS
Phone (07) 3844 9814

OUTER SOUTHERN SUBURBS

Outer Southern Suburbs
TAAS
Phone (07) 3277 7583

WYNNUM REDLANDS

Bayside TAAS Inc
Phone (07) 3893 0016

LOGAN/NORTH ALBERT / BEAUDESERT

Logan River Valley TAAS
Phone (07) 3208 8736

IPSWICH & SURROUNDS

Ipswich Tenancy Advocacy
Services Inc
Phone (07) 3281 5409

INNER NORTHERN SUBURBS

Brisbane Inner North TAAS
Phone (07) 3358 3951

OUTER NORTHERN SUBURBS

Northern Suburbs Tenancy
Information Service
Phone (07) 3262 9555

BRISBANE NORTH REGION

Near North TAAS
Phone (07) 3888 3577

1800 809700

TENANTS' UNION STATEWIDE

If you live anywhere in Queensland you can ring the Tenants' Union on:

Phone (07) 3257 1108 OR 1800 177761 (Outside Brisbane)

Southern Queens-
land

GOLD COAST (NORTH)

TAAS (Q) North
Phone (07) 5591 1102

GOLD COAST (SOUTH)

TAAS (Q) South
Phone (07) 5598 3230

TOOWOOMBA & SURROUNDS

Toowoomba TAAS
Phone (07) 4616 9707

ROMA AND DISTRICT

Roma TAAS
Phone (07) 4622 3644
1800 620 663

SUNSHINE COAST

Sunshine Coast Regional Hous-
ing
Phone (07) 5476 0555

CARAVANS

Caravan and Mobile Home Resi-
dents Association Inc.
Phone (07) 3893 0733
1800 061142

Central
Queensland

GYMPIE / SOUTH BURNETT

Tenant Advice Service
Phone (07) 5482 7623

BUNDABERG & SURROUNDS

Bundaberg TAAS (Q)
Phone (07) 4153 2957

ROCKHAMPTON AND REGION

Rockhampton TAAS (Q) Of-
fice
Phone (07) 4922 7411

MACKAY

Tenant Advice - Mackay
Phone (07) 4957 6334

WHITSUNDAY RE- GION

Tenant Advice & Advocacy
Services (Qld) - Whitsunday
Phone (07) 4946 6449

GLADSTONE & RE- GION

Gladstone TAAS
Phone (07) 4976 6360

FRASER COAST (HERVEY BAY/ MARYBOROUGH)

Fraser Coast TAAS
Phone (07) 4124 1523

North
Queensland

TOWNSVILLE & REGIONAL CENTRES

Townsville TAAS (Q)
Phone (07) 4772 5617

BOWEN

Bowen TAAS
Phone (07) 4786 3735

CAIRNS & SUR- ROUNDS

Access Community Housing
TAAS.
Phone (07) 4031 6733

ATHERTON TABLELANDS

Tableland Tenancy Advice
Service
Phone (07) 4091 3128

MT ISA/NORTH WEST REGION

Mt Isa TAAS
Phone (07) 4743 9659
1800 671202

NORTH QUEENS- LAND

Tenants' Union of
Queensland, North Qld
Office
Phone (07) 4031 3194