

# Tenants' Union of Tasmania



## Annual Report

2015/16



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# Achievements 2015/16

Implementation of **Minimum Standards**,  
which the Tenants' Union has campaigned for over many years. Tasmania is the first  
jurisdiction in Australia to have introduced minimum standards

**2786** instances of advice and support in tenancy matters

including **2261** phone advices,  
**418** drop in clients, and  
**118** cases opened

**27** Community Legal Education Sessions across the state

**37,030** sessions on [www.tutas.org.au](http://www.tutas.org.au)  
by **23,883** individual users with **194,455** separate page views

**1404** downloads of our Don't Panic brochure  
and with the latest changes to the Act complete we were also able to update and print  
**2000** hardcopies to be distributed to Tasmanian tenants

**31241** Factsheet downloads

# Convenor's Report

The Tenants' Union of Tasmania (TUT) continued to face considerable challenges during the year due primarily to uncertainty regarding funding.

Fortunately, the funding for the 2015/16 financial year was maintained at the same level as 2014/15. In addition, the State Government has topped up funds to compensate for a preliminary cut to Commonwealth funding for the 2016/17 year. However, the Commonwealth Government has advised of a larger cut in funds for the 2017/18 year, which poses a potential threat to the viability of our ongoing services.

The State Government Funding Agreement expired at the end of June 2016, and at this stage the TUT has been provided with a further 12 months worth of funding with future funding from the state yet to be negotiated, exacerbating our problems in regard to future planning and staff retention.

The Solicitor's Guarantee Fund has been a welcome additional input allowing us to realise key projects such as Community Legal Education and Training and Development. This is again a 12 months provision of funds and we are as yet to receive advice on whether assistance will continue into the future.

The Committee and the TUT is continuously working with other Community Legal Centres to secure adequate and ongoing funding to enable us to deliver our services to the Tasmanian community.

The Management Committee had a stable year in terms of membership. Michael Kennett continued as Treasurer, Emily Conwell remained Secretary and Pia Struwe took on the role of Public Officer. Michelle Parker and Andrew Muthy remained members of the committee. Many thanks to everyone for their efforts throughout the year.

We again saw some changes within the staffing at the TUT with Julia Ely returning to the team, Louise Foster filling the bookkeeper's role, Steve Bennett as the Training and Development Officer and the addition of two part timer solicitors – Alex Bomford and Jeff Thompson. Meredith Barton and Ben Bartl have continued in their Principle and Senior Solicitor positions respectively, providing steady and strong support to the TUT.

Finally I would like to thank the staff, the very important volunteers staffing the advise line and the – also voluntary – committee members for their contributions and input into the successful functioning of the TUT.

**Sue Chapple**  
**Convenor**  
**October 2016**

# Principle Solicitor's Report

The Tenants' Union of Tasmania has continued on this year in providing a successful and fundamental service in Tasmania. Our advice, advocacy and education programs have reached people throughout Tasmania. This has been achieved through strengthening support from the North West Community Legal Centre and the Launceston Community Legal Centre. Our services continue to be popular with tenants including our telephone advice service and our drop in advice service in Hobart, which is meeting increased demand. Our website is a valuable tool for tenants, staff, volunteers and others who access it. We pride ourselves on ensuring that the information we provide through the website remains valid and easily accessible. The recent changes to the *Residential Tenancy Act 1997* still remain a key challenge in our delivery of advice. We are closely watching the effects and benefits these changes are creating for tenants now and into the future and we look forward to hearing positive feedback. Another specific challenge we have faced and continue to face is that of the uncertainty in our funding. With future cuts from the Commonwealth Government almost certain in the 2017/18 financial year, we are working towards ensuring that our service remains as accessible as it is today for tenants.

## **Southern Office**

There have been quite a number of changes in the staffing in our Hobart office over the past year. Funding uncertainties have led to various changes for staff. We were lucky enough to receive further funding from the Solicitor Guarantee Fund during the year and as such we welcomed back Rebecca Taylor into her role as Training and Development Officer. Due to family issues, Rebecca had to make the difficult decision to move to Victoria so we were not able to hold onto her for long. We made the decision to split her role and were able to have Alex Bomford come onto our staff as both Solicitor and Community Legal Education Officer for 4 days a week. Alex had previously been a telephone advice volunteer with us for quite some time, so it was very exciting to be able to have him come on board with us. We also welcomed Steve Bennett as our Training and Development Officer 2 days per week. Steve has made exceptional steps in our volunteer training program and we are seeing the fruits of that with a group of new volunteers successfully entering our program.

We welcomed Lynn Parlett into the role of Communications Officer. Lynn had a great amount of experience and enthusiasm and made some great steps in editing and redesigning some of our produced documents. We were sad to see her leave after a short time to pursue other opportunities. On a positive note the timing worked as Julia Ely was happy to return into the role and it was a very smooth transition and we are very happy to have her back with us.

Jeff Thompson undertook practical experience with us to complete his Graduate Diploma in Legal Practice. After successfully completing this we have been able to provide him with 2 days per week Solicitor position.

Ben Bartl has continued on with the TUT working as Senior Solicitor 3 days per week. His support has been incredibly valuable in providing supervision to the new Solicitors and in

stepping into a representative role for the TUT when I have been away. All our Solicitors undertake the drop in service, case work, representation and provide a Duty Solicitor service for Tenants in the Hobart Magistrates Court each Wednesday.

Louise Foster has also maintained her role as Finance Officer and has been key in ensuring that the TUT remain in budget and keeping the office stocked with the essentials (like biscuits!!) as well as working towards our future financial constraints and how that will affect us.

Myself, I am currently working 3 days a week whilst balancing life with a teenager and young children. I believe that throughout the challenges of the past year with quite a number of staff changes and a decrease in overall staff levels the TUT has maintained an exceptional service and will continue to do so and I thank all those that are involved.

### **Northern and North West Services**

Our overall service continues to be boosted by our North and North West outreach support. The North West Community Legal Centre (NWCLC) and the Launceston Community Legal Centre (LCLC), who each provide solicitors for 7.5 hours each week, support this program. This has enabled us to provide tenants in these regions with more face-to-face advocacy services and assistance. We thank both these services for their support and professionalism and especially thank Chris Young, Jennifer Dunn and Matthew Rose from NWCLC and Nicky Snare, Sarah House and Ryan West from LCLC.

### **Funding**

The TUT has faced and is continuously facing funding uncertainty. We have been fortunate that the State Government has continued to ensure that our core funding remains stable, however we do face a large cut in the future and are currently working from a limited budget.

Solicitors' Guarantee Fund (SGF): We were again fortunate to receive a further 12 months worth of funding for some specific projects through the SGF program. This enabled us to continue on with our volunteer training program, our specific community legal education program, provide a training day for staff and volunteers and reprint our very popular *Don't Panic* booklet. Unfortunately this is not continuous financial support and we as a service need to apply for this funding when it becomes available. At this stage the funding will be exhausted in December 2016 with no further certainty for these projects.

### **Acknowledgements**

The Tenants' Union enjoys support from so many people who enable us to deliver our services to clients on a small budget.

Our volunteers deserve so much thanks. They work tirelessly on our telephone advice line ensuring that tenants get support and advice as soon as possible. In particular I would like to thank Alex Fry. Alex celebrated his 10<sup>th</sup> year volunteering with us in January 2016. Not only do I want to thank him for his support over the years and his incredible knowledge of the legislation, but also for his friendship. He has become an important member of the TUT and we really appreciate his dedication.

To all the other volunteers who have helped on the phones or even with some case work, we would like to thank you all and make sure you know that you are appreciated. To Kat

Induni and Jacob Skierka I will say special thanks as well as they have helped with the drop in service and provided key support to the Solicitors.

I would like to thank the Management Committee, who volunteer their time for this important role. It has been a busy year with the changes in the Act, budget concerns and staffing movements. In particular I would like to thank Sue Chapple in her role as Convenor. Sue has been a great source of support and information to myself and other members of staff. Thank you also to Michael Kennett who continues to do a great job as our Treasurer. Thank you to Emily Conway as Secretary. Thanks also go to our Public Officer, Pia Struwe, and Committee Members, Michelle Parker and Andrew Muthy.

I would also like to thank the Hobart Community Legal Service staff, in particular Bernie and Pam for their provision of front office reception to our tenants throughout the year.

On a final note I also celebrated ten years with the TUT in June 2016. It has been a whirlwind 10 years for me both professionally and personally. I have met and been mentored, educated and supported by some really amazing people. I believe that the TUT is an essential service that provides much needed support to vulnerable members of our society and it has been very rewarding to see the changes we have been able to make. I look forward to further positive changes.

**Meredith Barton**  
**Principal Solicitor**  
**October 2016**



# About Us

## AIMS

The Tenants' Union works for the interests and rights of residential tenants in Tasmania and seeks to:

- Improve conditions in rental housing in Tasmania so that they meet accepted minimum standards
- Raise awareness within the community about tenancy issues
- Promote legislative change where this is necessary to improve outcomes for tenants

## GENERAL PRINCIPLES

The Tenants' Union is an organisation that is:

- Active in response to changing tenancy issues
- Offering quality advice, advocacy, information and referral services
- Empowering people to take action on their own behalf
- Abreast of current housing issues
- Keeping decision makers in the community aware of the key issues that are impacting on residential tenants in Tasmania

## ROLES

The Tenants' Union has several roles that provide:

- Advice, information and assistance with tenancy issues
- Advocacy for individual tenants on residential tenancy issues
- Systemic advocacy, including political representation
- Education and training for professionals, community organisations, students and community members about tenancy issues

## OPERATION

The Tenants' Union provides:

- A free service
- Access to specialist knowledge on tenancy issues
- A service to all residential tenants (eg. public, community, private and boarding).

The Telephone Advice service operates during the hours of 9:30am and 4:00pm weekdays and the Face-to-Face Advice Sessions are available between 9:30am and 12:30pm Tuesday to Thursday inclusive. We also have services through Launceston CLC and North West CLC.

## **FUNDING**

Commonwealth Grants from the Attorney General's Department for the financial year totalled \$69,495. This money was used for the provision of Community Legal Education, training, coordination, compliance and administration of the service as a whole.

State Grants from the Department of Health and Human Services, Housing Tasmania equalled \$189,540 for the financial year. These funds were expended by supervising the telephone advice service and providing advocacy services and legal representation.

2015/16 Solicitor's Guarantee Fund grants, used primarily for training and development and statewide law services, and a Tasmanian Community Fund grant for online training and membership totalled \$65,101 during the past financial year.

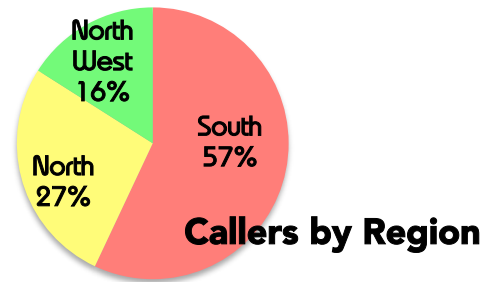
## **ACCESS AND EQUITY POLICY**

The Tenants' Union continues to ensure that all tenants have equitable access to adequate tenancy advice, advocacy and community legal education services. Similarly the Tenants' Union works to provide equitable access for all tenants to justice through tenancy laws and legal processes and practices.

## CLIENTS

The clients of the Tenants' Union are:

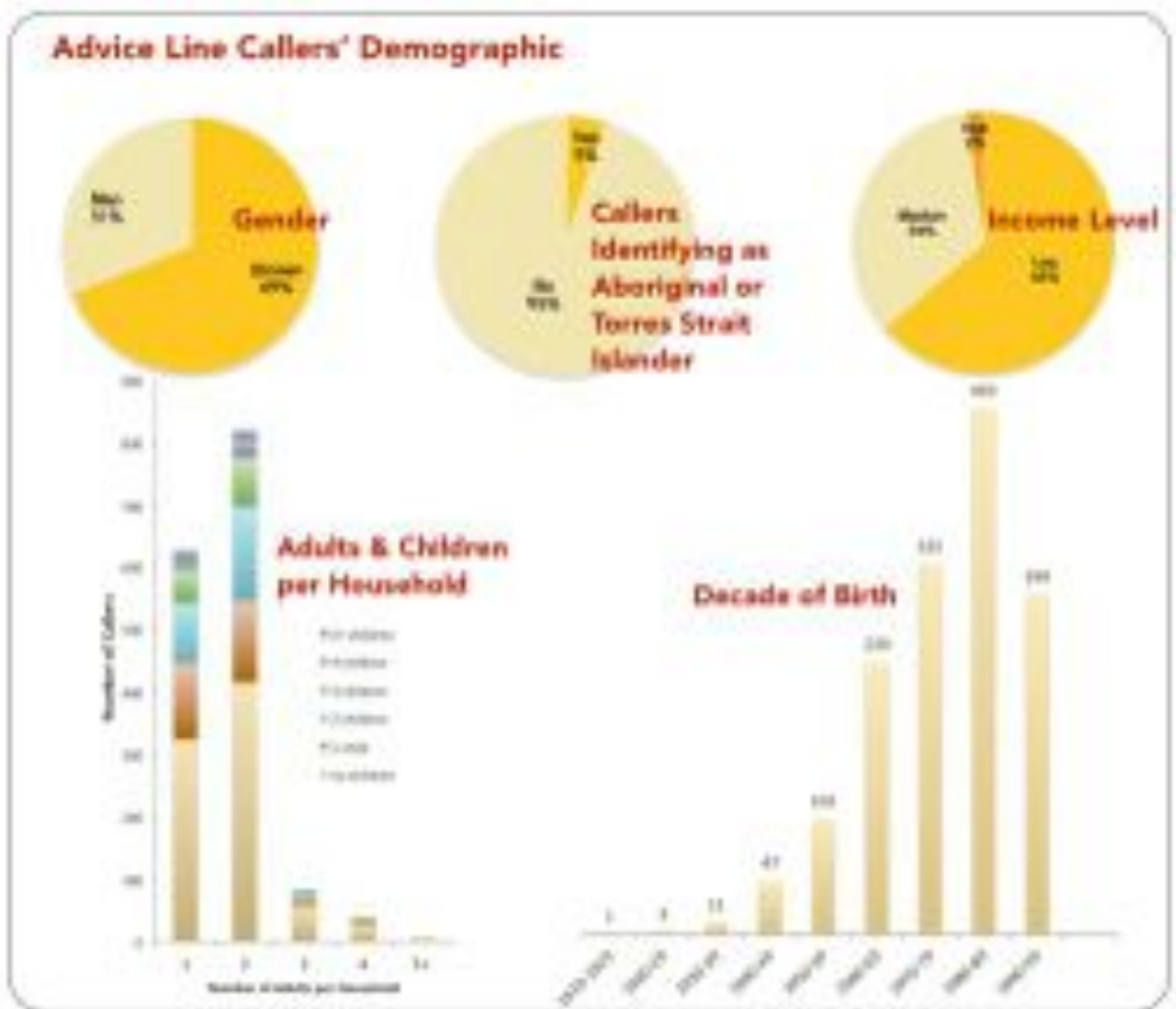
- Private housing tenants
- Public housing tenants
- Community Housing tenants



Bodies we liaise with are:

- Non-government agencies (eg. community workers and other parties interested in tenants rights and responsibilities)
- State Government agencies (eg. Housing Tasmania and Consumer Affairs and Fair Trading)

Most clients who contact us through our Advice Line agree to complete a questionnaire providing us with valuable data on both the condition of private rentals in Tasmania as well as the demographics of renters. Find an overview of renter's demographics below.



# People

We thank all the people who have been part of the Tenants' Union in the last financial year:

<b>Violet Aldridge-Hurst</b>	Telephone Advisor
<b>Dinah Amrad</b>	Telephone Advisor
<b>Benedict Bartl</b>	Senior Solicitor
<b>Meredith Barton</b>	Principal Solicitor
<b>Steve Bennett</b>	Training & Development Officer
<b>Alex Bomford</b>	Solicitor & Community Legal Educator
<b>Michael Bowman</b>	Acting Co-ordinator
<b>Sue Chapple</b>	Convenor
<b>Emily Conway</b>	Committee Member
<b>Julia Ely</b>	Communications Officer
<b>Louise Foster</b>	Bookkeeper
<b>Alex Fry</b>	Telephone Advisor
<b>Gabriela Harvey</b>	Telephone Advisor
<b>Bethany Hawkeswood</b>	Telephone Advisor
<b>Phil Hoffen</b>	<i>Tasmanian Rents</i> Editor
<b>Katryna Induni</b>	Advocate
<b>Jody Johnson</b>	Public Officer
<b>Michael Kennett</b>	Treasurer
<b>Anne Knox</b>	Telephone Advisor
<b>Elizabeth Knox</b>	Telephone Advisor
<b>Andrew Muthy</b>	Committee Member
<b>Michelle Parker</b>	Committee Member
<b>Lynn Parlett</b>	Communications Officer
<b>Karpu Shanmugan</b>	Telephone Advisor
<b>Jacob Skierka</b>	Telephone Advisor & Advocate
<b>Amanda Street</b>	Committee Member
<b>Pia Struwe</b>	Committee Member
<b>Jon Sumby</b>	Telephone Advisor & Committee Member
<b>Alex Tate</b>	Solicitor

<b>Rebecca Taylor</b>	Training & Development Officer
<b>Jeff Thompson</b>	Solicitor
<b>Lyuda Thompson</b>	Telephone Advisor
<b>Saraswathy Varatharajullu</b>	Telephone Advisor
<b>Grace Wikstrom</b>	Telephone Advisor

We also thank Bernie Reade, Pam Barratt, Harvey Yarnall, Clare Batten, the Ionata Digital Team, Staff at Hobart Community Legal Service, Launceston Community Legal Centre, North West Community Legal Centre and Centacare Housing and Tenancy Services (CHATS), and the tenants who have contacted us in the last year.

## **TRAINING**

### **1. Training of volunteers during 2015/16 financial year:**

- Rebecca Taylor and Steve Bennett conducted preliminary training with every new volunteer. The 6 hour training consists of both face to face and online training modules, covering the legal basics as well as communicating with clients.
- All volunteers have received ongoing training, supervision and advice during the year from solicitors Meredith Barton, Ben Bartl, Alex Bomford, Jeff Thompson and all other staff.
- Katryna Induni and Jacob Skierka were supervised by Meredith Barton as part of their studies.
- Most volunteers at the time attended the Tenants' Union Training Day on June 27. Training included sessions on the application of the *Residential Amendment Act 2013*, roles and procedures of the Residential Tenancy Commissioner, determining unreasonable rent increases and legal challenges under the Act, including domestic violence, the sharing economy and privacy.

### **2. Training of TUT staff during 2015/16 financial year:**

- Meredith Barton conducted ongoing supervision and training with Ben Bartl, Jeff Thompson and Alex Bomford.
- Meredith Barton, Ben Bartl, Alex Bomford and Jeff Thompson have completed several legal workshops that have contributed to their Continuing Professional Development for the Law Society of Tasmania.
- Louise Foster undertook First Aid Training
- All staff attended the Tenants' Union Training Day on June 27. Training included sessions on the application of the *Residential Amendment Act 2013*, roles and procedures of the Residential Tenancy Commissioner, determining unreasonable rent increases and legal challenges under the Act, including domestic violence, the sharing economy and privacy.

# Service Activity

## OVERVIEW

The Tenants' Union continued to experience high demand for its services. 2786 people contacted TUT services requesting support, advocacy and information from volunteers and staff. The Community Legal Education and Training reached out to a wide variety of people in the community through 27 CLE projects and presentations, and there was continued law reform action relating to the *Residential Tenancy Act 1997*. The Tenants' Union achieved this with the equivalent of 3.5 full time paid positions plus 0.2 staff at both the Launceston Community Legal Centre (LCLC) and the North West Community Legal Centre (NWCLC).

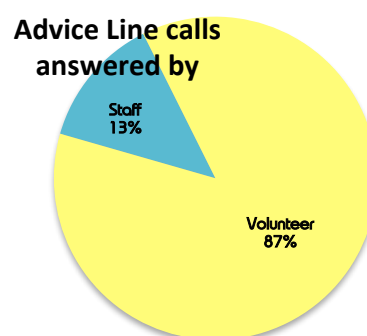
		13/14	14/15	15/16	Long Term Ave
<b>Tenant Advice:</b>		2936	2787	2786	2802
Made Up Of:	<b>Face-to-Face</b>	586	418	418	393
	<b>Cases Opened</b>	138	115	118	97
	<b>Telephone Advice</b>	2212	2254	2250	2313

## TELEPHONE ADVICE LINE:

The Telephone Advice Line is by far the most frequently used method of individual contact and support at the Tenants' Union – 81% of our clients contact us via phone. Yet, the number of people that contact us on the advice line has roughly stayed the same over the past 3 years and is still slightly down from the long term average as shown in the table above.

This decrease in calls can potentially be explained by the ongoing increase in website visits and fact sheet downloads, that make general information on tenancy in Tasmania easily accessible and reduce the need to call us for general information.

The Advice Line is predominantly answered by volunteers, who receive ongoing training by our training and development officer and permanent supervision by all solicitors and other staff. In the last financial year volunteers provided on average 6.4 three hours shifts of telephone advising per week. Some volunteers also conduct supervised face-to-face advice and law graduates seeking further qualifications may provide advice of a more complex nature.



We furthermore use the Telephone Advice Line to collect rental and demographic data from our clients. This data is extremely valuable to the Tenants' Union as it informs law and policy reform activities, assists in targeting community legal education programs and generally allows the organisation to develop a better understanding of current trends in the rental market. We ask all our clients to provide information to us that will be used in statistical reports. It is important to note that a number of clients choose not to divulge

some or any information, however we continue to provide them with advice and information. Most rental and demographic statistics in our Annual Report are derived by data collected in Telephone Advice Calls.

### **Telephone Advice Line Case Studies**

*Most of our clients are served through our Advice Line. Telephone advice usually deals with tenants who need to have their cases assessed rather than just receiving information. After the first assessment and suggestion of action most clients need no further assistance. More complex cases are referred to our solicitors. The most common issues on the Telephone Advice Service are Repairs and Maintenance, Bond and Lease Breaking.*

#### **Phone Advice Examples:**

1) The tenant fell against the frame of a door causing it to break. As damage was most likely caused by a combination of the incident and the pre-existing crack, the tenant wanted to know who was responsible for the repair. While damage caused by the tenant usually have to be repaired at their cost, this case was not clear cut and stresses two points, that we recommend. The first is to communicate with the other party. The tenant was prepared to pay part of the repair and we encouraged them to ask the landlord to share the cost of the bill. The second point is to make sure pre-existing damage is recorded, either on the condition report or in a letter or e-mail sent to the landlord if it occurred after the lease began. That way the tenant has evidence in case of a dispute.

2) A tenant was told they were to move out as the owner's marriage had broken down and they needed to move back into their property. They were three months into their 12 month fixed term lease agreement and the tenant was not prepared to move out until the lease ended. We advised the tenant that they had the right to stay until the end of the lease as long as they fulfilled their part of the contract. In cases like this the biggest part of our job is to give clients the confidence and information they require to stand their ground, as it is unlikely that a landlord would pursue an eviction for which they have no valid ground.

3) A tenant received a bond claim form from their landlord with the request to sign it. The landlord claimed the entire bond for repairs, which the tenants considered unreasonable. We advised the client not to sign the form if they did not agree with it and instead lodge their own bond claim form with Service Tasmania. In such cases the Residential Tenancy Commissioner will make an impartial judgement on the distribution of the bond based on evidence provided by both sides.

#### **FACE-TO-FACE ASSISTANCE:**

Our face-to-face sessions at the Hobart office continue to be popular amongst tenants. In the last financial year 418 tenants were assisted in this manner. This is a significant number given that this service operates for only nine hours per week. In addition, our North West service, delivered by the North West CLC, saw 70 tenants\*, and our Northern service, delivered by Launceston CLC assisted 81 tenants with face-to-face advice. The issues discussed face-to-face are usually more complex than those discussed on our

telephone advice service. In many cases they escalate into legal casework and representation.

\* North West CLC figures combine face-to-face and advocacy/casework into one figure

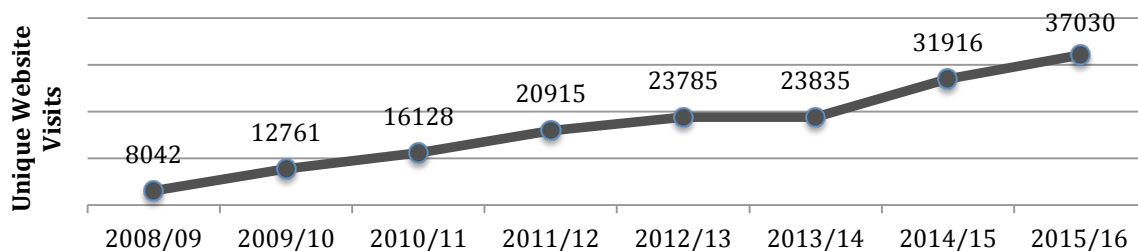
### **CLIENT ADVICE AND CASEWORK:**

Client advice and casework continued to be a core activity of the Tenants' Union over the last financial year. Of the tenants assisted through the Hobart service, 118 case files were opened and 57 cases were closed. In addition 21 cases were opened by LCLC in our Northern Service. The Casework project is particularly important as it is primarily focused on tenants with complex needs. Issues that may require advocacy and casework assistance include rental arrears, bond return, lease disputes and, most urgently, the threat of eviction. The advocacy work has been strengthened by the Tenants' Union developing good working relationships with landlords, real estate agents, the Office of Consumer Affairs and Fair Trading, and the Real Estate Institute of Tasmania. However, by far our most important relationship in this area is with Housing Connect and in particular the Centacare Housing and Tenancy Service (CHATS). For many tenants, our legal expertise combined with the on-the-ground negotiation skills of the CHATS team means tenants have a far better chance of gaining success in their disputes.

Additional to the support we offer clients who contact us, in this financial year we have established a duty solicitor service in Hobart. The Hobart Magistrates Court kindly agreed to have all tenancy matters heard on Wednesday mornings, so a Tenants' Union solicitor can be present at each case and advise tenants who were unaware of our services prior to their hearing.

### **WEBSITE, NEWSLETTERS, SOCIAL MEDIA AND MEMBERSHIP:**

In the financial year 2015/16 our website ([tutas.org.au](http://tutas.org.au)) was visited more often than ever before, with 37030 visits over the year. That is an increase of 16 per cent in page visits compared to the previous financial year.



In August 2015 the *Residential Tenancy Amendments Act 2013* including minimum standards for rental properties in Tasmania commenced. Our website proved to be the ideal vehicle for distributing information, links to facilitate new procedures and updates to Tasmanian tenants.

Factsheets were the most popular destination for visitors to our website with a total of 31241 downloads over the year. Timely updated to the RTA amendments, our factsheets and our *Don't Panic* booklet relieve our busy volunteer phone advice line by providing concise and easy to read information. The factsheets with the most views were (in order)

- Leaving Leases Early,



- Notice to Vacate,
- Repairs and Maintenance,
- Notice to Terminate, and
- Access and Privacy.

In the past financial year we published and sent out two issues of our newsletter *Rent Rant*, reaching out to community, decision makers and people working in the residential tenancy sector. With high opening and link click rates, and positive reader feedback we provided insight into our work and more in depth information on developments in tenancy issues in Tasmania and Australia.

The Tenants' Unions' Facebook page was set up in 2011, and received almost 400 page likes by June 2015. With the creation of the page we are providing another avenue of communicating with tenants that is becoming increasingly busy. Page likes went up from 386 at the beginning of the financial year to 470 at the end of June 2016. It has proven to be a useful tool to reach people, advertising information that sits on our website and communication with people from the Tasmanian community.

In July 2014 we introduced the option of becoming an online member of the Tenants' Union. Members have access to our online training modules and a members news section on our website with more in depth insight into the Tenants' Unions work. Despite a constant stream of people wanting a membership – 41 people joined in the past financial year – membership activity has been low.

### **COMMUNITY LEGAL EDUCATION:**

The Tenants' Union is responsible for providing community legal education and training (CLE) statewide to tenants and the housing sector on tenancy issues, along with an active involvement in tenancy law reform. Our CLEs aim to provide knowledge and skills to support successful tenancies and minimise the need for disputes.

Additionally we continuously developed new modules and updated existing material on our Online Training platform to reflect legislative changes as well as feedback we have received from learners.

A total of 27 Community Legal Education sessions (CLE) were conducted by Rebecca Taylor and Alex Bomford. Meredith Barton, Jeff Thompson and Ben Bartl supervised 7 legal session of the Student Legal Service at the UTAS Law School.

- 14 CLE for tenants at Catholicare, Hobart
- 2 CLE for staff at Shelter Tasmania
- CLE for tenants at Catholicare, Launceston
- CLE for students at Elizabeth College, Hobart
- CLE refugees and migrants at the Migrant Resource Centre, Hobart
- CLE tenants at Georgetown Community House, Georgetown
- CLE for tenants at Dorset Community House, Dorset
- CLE for students at UTAS Cradle Coast Campus, Burnie
- CLE for women and staff at Karinya Women's Shelter, Launceston

- CLE for women and staff at Hobart Women's Shelter, Hobart
- CLE for refugees and migrants at Migrant Resource Centre, Launceston
- CLE for women and staff at Jirah House, Kingston
- CLE for tenants at Goodwood Community Centre, Goodwood
- CLE for students at Guilford Young College, Glenorchy
- 7 Supervision Sessions for Law Students at the Student Legal Service at the University of Tasmania, Hobart

### **Case Study: Duty solicitor support with case of Eviction**

John's real estate agent applied for his eviction in the Hobart Magistrates Court. He was accused of being in rent arrears and having caused damage to the property. John represented himself in Court and was lucky as the Magistrate adjourned his case due to a lack of evidence of the damage by the landlord.

As tenancy matters are heard on a specific day in the week, we are able to send a duty solicitor to support tenants that were not aware of our services before their hearing. Our solicitor offered John assistance at his next appearance in court on the matter.

John explained that his former partner, who was not on the lease and was on the premises without John's permission broke one window, while another window had already been broken at the start of John's tenancy. This was outlined in an affidavit prepared by the TU solicitor.

Further, the notice John received for his rent arrears by the real estate agent did not state how much rent he owed the landlord and was therefore insufficient according to the *Residential Tenancy Act*, which outlines the information required in a notice for rent arrears.

We made a submission, including the affidavit as well as outlining our concern with the validity of the notice to vacate. Our application was successful. As the real estate agent did not provide evidence of the damage and was unable to confirm how much rent John was alleged to owe. As a result the Magistrate dismissed the application for eviction.

## **LAW REFORM**

The Community Law Reform and Policy work undertaken by the Tenants' Union in the 2015/16 year included the following areas:

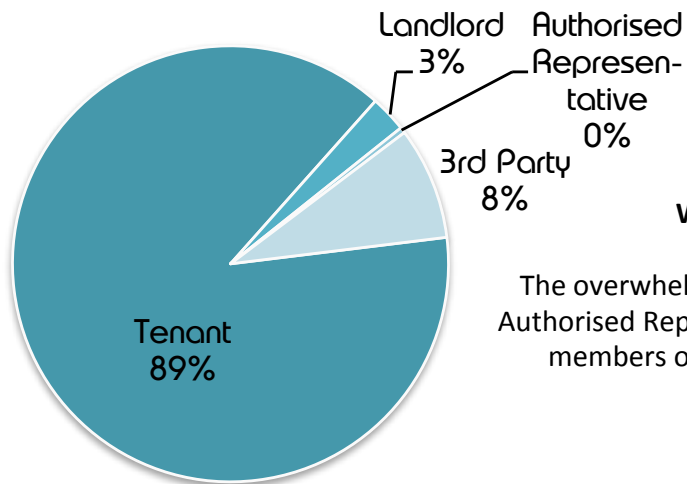
**Support for Social Housing at Macquarie Point** – We worked closely with Shelter Tasmania to provide a briefing to the Hobart City Council Planning Committee and Resource Management and Planning Appeals Tribunal about encouraging the provision of social housing at Macquarie Point. We also had an opinion piece published in The Mercury in December 2015 titled *Macquarie Point must not become an enclave for the wealthy*.

**Reintegration of Ex-Offenders Program** – We headed a coalition of community groups including Shelter Tasmania and the Tasmanian Aboriginal Centre calling for the continued funding of the Reintegration of Ex-Offenders Program through the Department of Health and Human Services. The program provided access to transitional accommodation and pre- and post-release support for ex-prisoners, remandees and parolees who would otherwise be homeless on release from custody. Our advocacy included a joint letter signed by the coalition to the Minister for Human Services as well as a number of radio interviews with ABC local radio.

**Amendments to the Homes Act** – This included briefings with both Housing Tasmania and the Legislative Council about the proposed changes including the transfer of title to community housing providers and rights of review for tenants whose properties were to be moved to community housing providers.

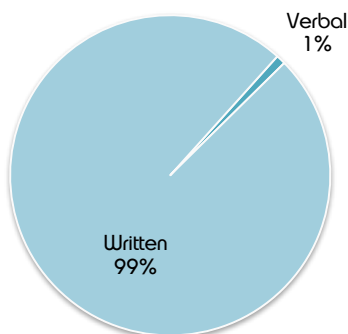
**RDA Rent Statistics Project** - Each quarter we are able to publish rent statistics compiled from Bond Lodgement Forms collected by the Rental Deposit Authority. Access to this information provides all members of the Tasmanian community but particularly tenants with information about rents in their local community.

# Tenancy Statistics 2015/16



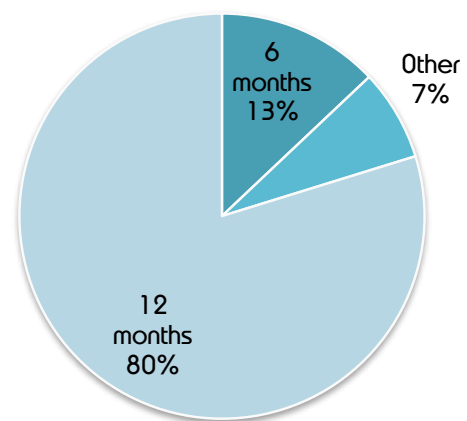
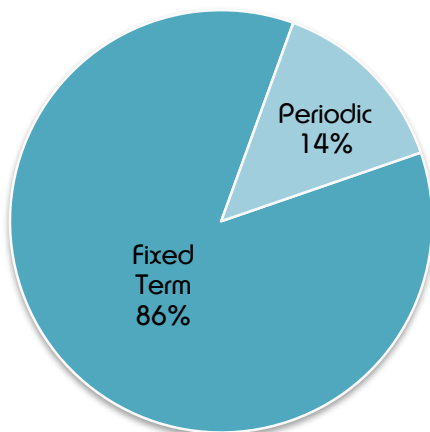
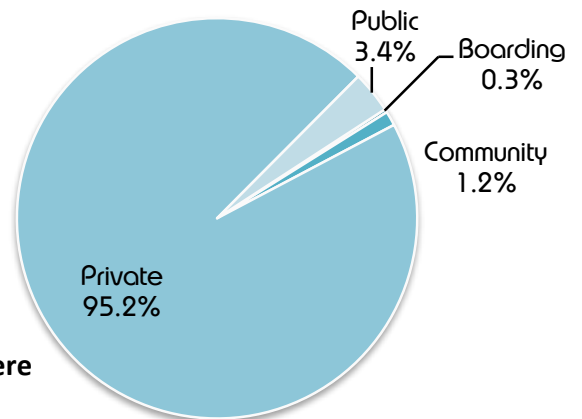
## Who called the Advice Line?

The overwhelming majority of our callers are tenants. Authorised Representative or Third Party are often family members of tenants or social workers supporting tenants.



## What kind of Leases were our Callers on?

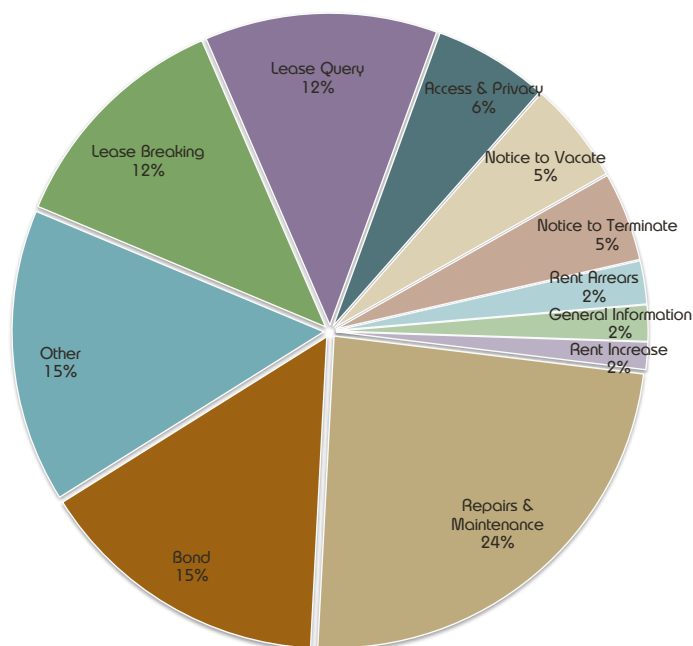
Most tenants rent in the private market. They have written lease agreement and rent their home for a fixed period, usually 12 months.



## Tenancy Issues 2015/16

Repairs and Maintenance continues to be the number one issue tenants are seeking advice about. We provide advice on the types of repairs required and tenants' entitlements.

Bond Disputes and Breaking a Lease follow, as they have over the past few years. While people's life situations change tenants are often stuck in a fixed term contract, making it harder for them to move for a new job or to exit a violent relationship. A move towards non-fixed term leases would be beneficial and a safe option for landlords too as vacancy rates have decreased to a new low in most Tasmanian regions.



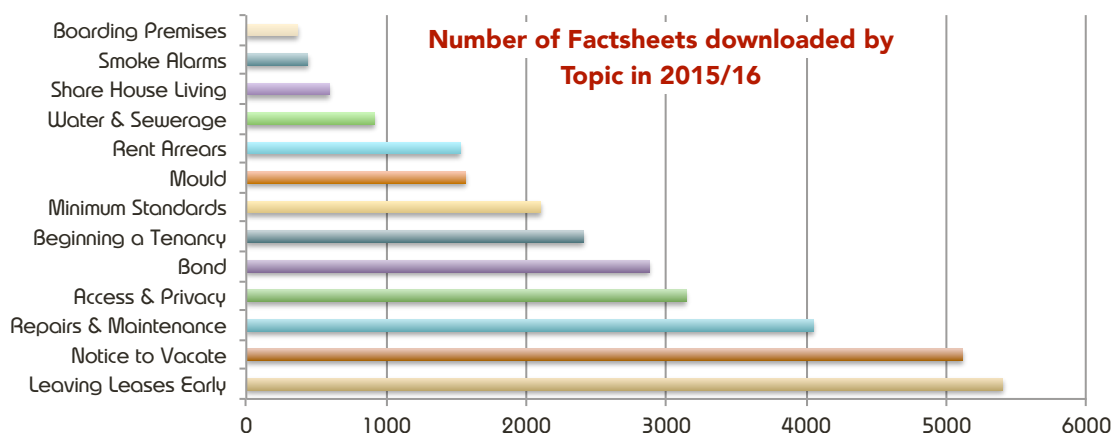
### Most common Issues in Advice Calls by Year

2012-13	2013-14	2014-15	2015-16
Repairs & Maintenance	Repairs & Maintenance	Repairs & Maintenance	Repairs & Maintenance
Bond	Bond	Bond	Bond
Lease Breaking	Lease Breaking	Lease Breaking	Lease Breaking
Notice to Terminate	Notice to Terminate/ Notice to Vacate	Lease Query	Lease Query

## Factsheet Downloads

Another indicator of the issues people renting their homes in Tasmania face are the number of factsheets downloaded from our website [tutas.org.au](http://tutas.org.au). Of the 31241 overall downloads, Leaving Leases Early was the most popular, downloaded 5399 times. Leaving Leases Early has recently been updated to include both: Breaking a Lease and serving a Notice to Terminate.

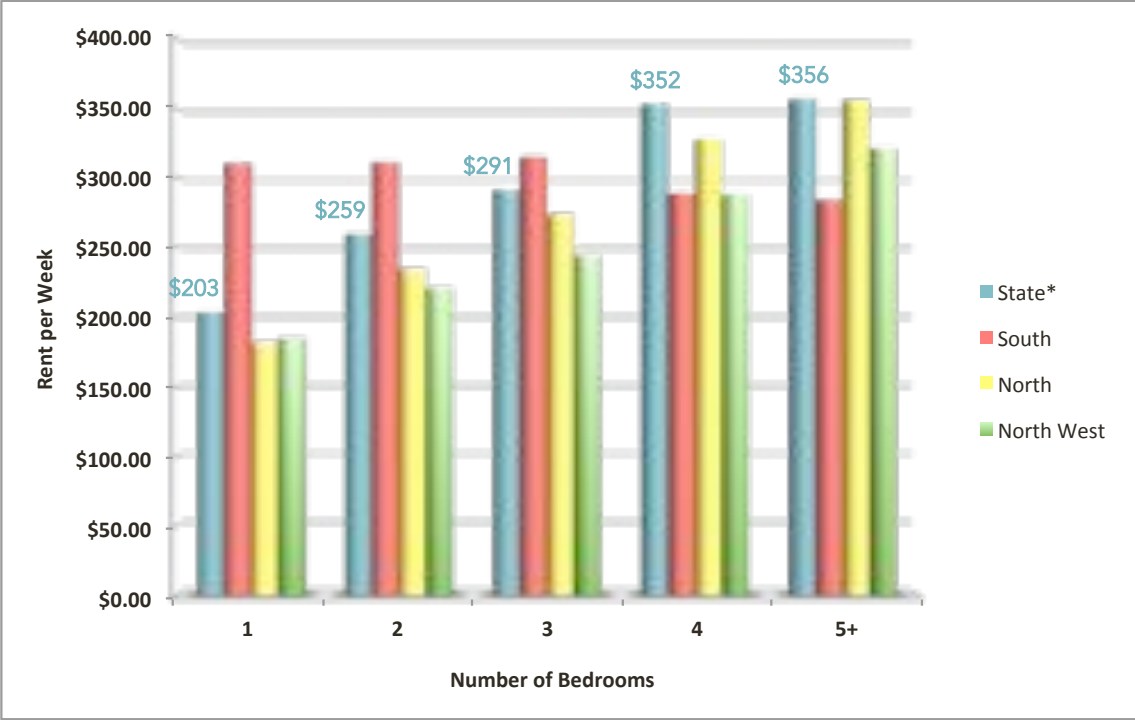
We are delighted to see an increasing number of downloads of the 2015 published factsheet on Minimum Standards and hope that tenants' knowledge about the standards will help make those hard fought for amendments to the Residential Tenancy Act will have a significant impact on the quality of housing in Tasmania.



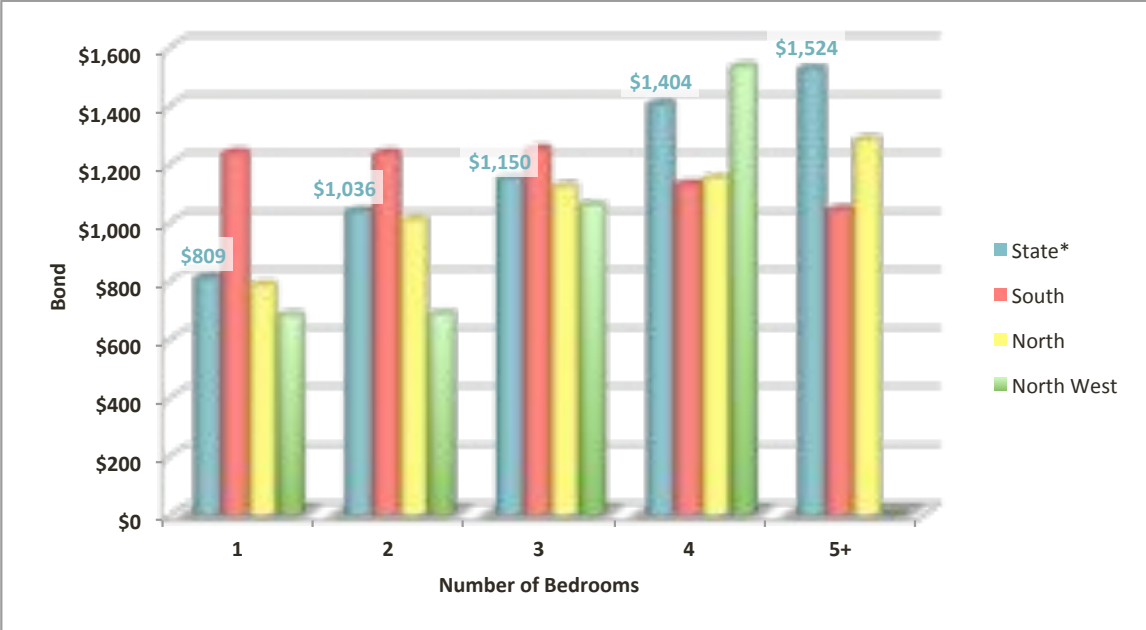
The following charts provide an overview of weekly rental prices and bonds statewide and in the three main geographical regions. While the statewide, North and North-West numbers reflect a common correlation between number of bedrooms and weekly rent and bond, we have recorded a significant increase in rents for one and two bedroom properties in the South.

\*Some advice line callers chose not provide us with all the information we ask them about. Therefore we have information about rent from some callers, but can not allocate them to a region.

**Average Weekly Rent by Dwelling Size and Region**

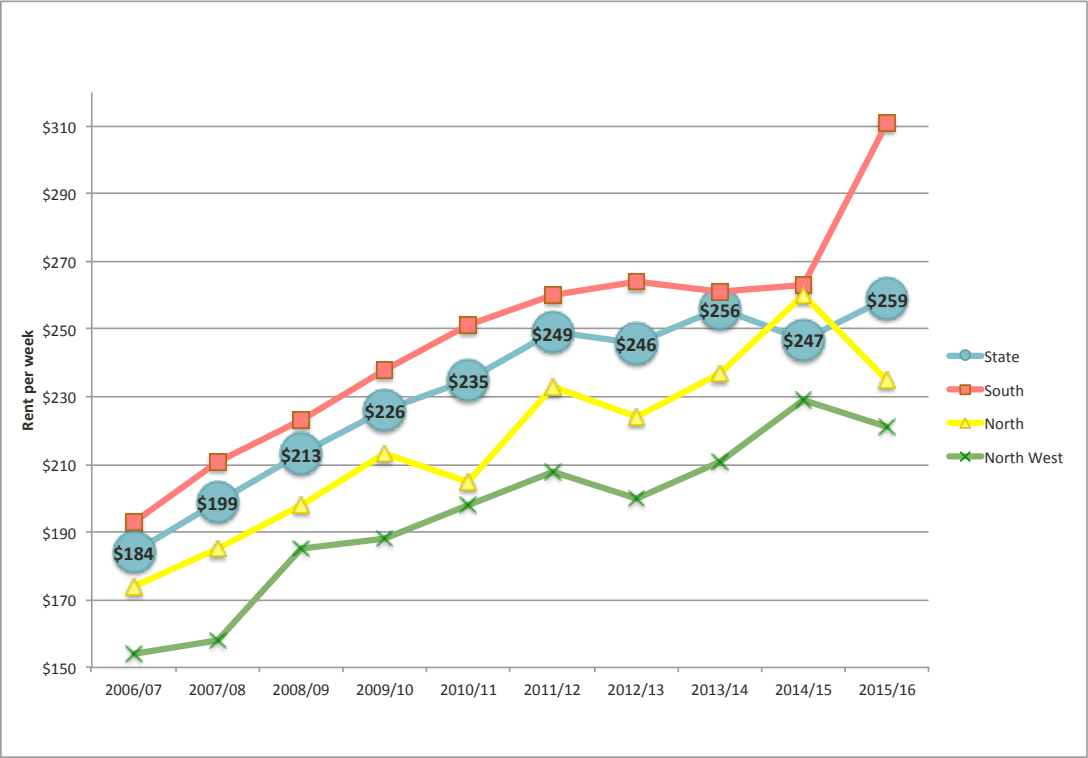


**Average Bond by Dwelling Size and Region 2015/16**

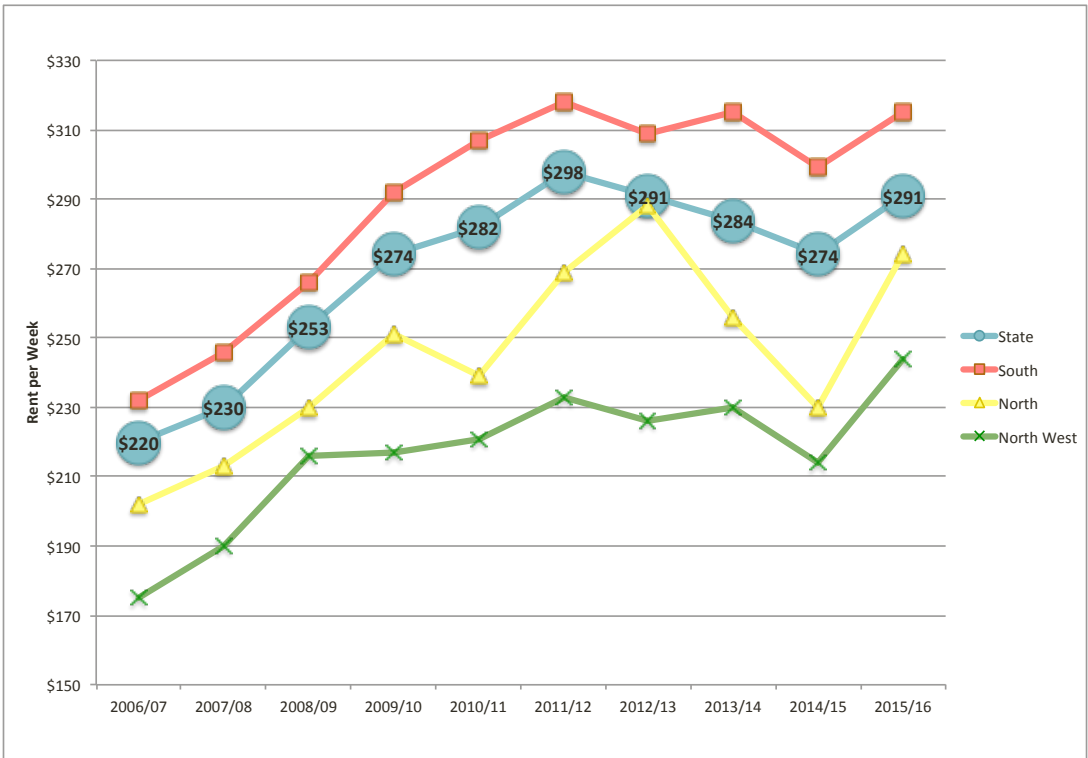


The most significant development of this financial year is the increase of rents for two bedroom properties in the South. It correlates with a very low vacancy rate of 0.5% for Hobart in July 2016. Comparing the statewide development over the past 5 years, rent appear to remain stable in Tasmania.

**Rent for a 2 Bedroom Property 2015/16**



**Rent for a 3 Bedroom Property 2015/16**



# North West



16 % of all Calls to  
the Tenants' Union's  
Advice Line

In comparison to other regions historically:

- Lowest rent and bond
- More Repairs & Maintenance issues
- Less Lease Breaking

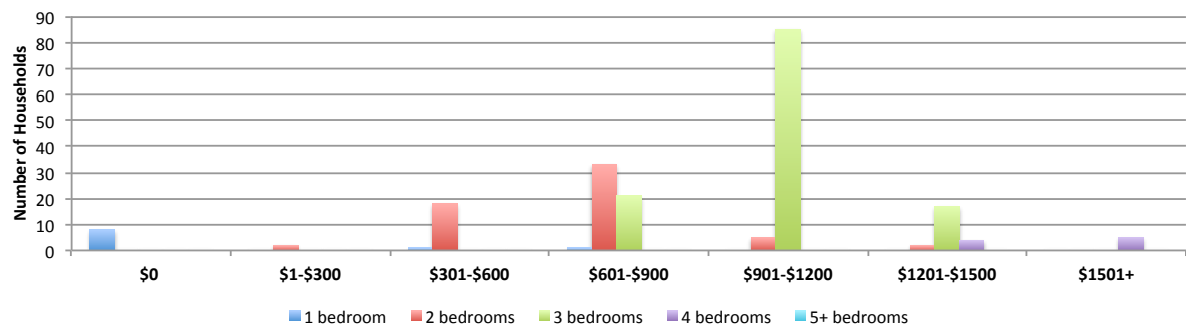
Tenancy Issue	2015/16	Prev Yr
Repairs & Maintenance	23%	28%
Bond	20%	7%
Lease Break	11%	14%
Other	11%	13%
Lease Query	9%	12%
Access & Privacy	7%	9%
Notice to Vacate	7%	4%
Notice to Terminate	6%	6%
Rent Arrears	3%	3%
General Information	2%	4%
Rent Increase	1%	2%

	2014/15	2015/16	Change on Prev Year	5 Year Change
Average Rent	230	235	2.2%	10.3%
Average Bond	890	899	1.0%	9.1%
2 Bedroom Average Rent	229	221	-3.5%	11.6%
3 Bedroom Average Rent	214	244	14.0%	10.4%

Weekly Rent by Dwelling Size - NW

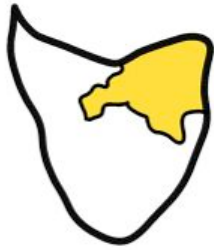


Bond by Dwelling Size - NW





# North



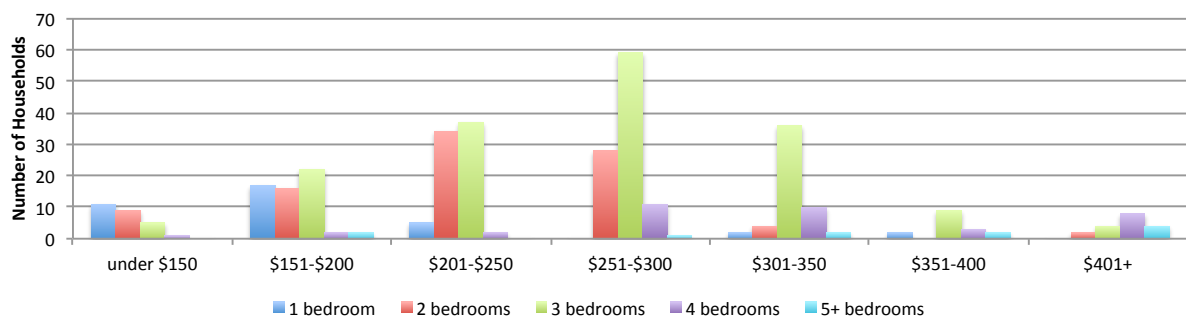
**27%**  
of all Calls  
to the Advice Line  
came from  
the North

In comparison to other regions historically:  
More lease breaking  
More eviction queries

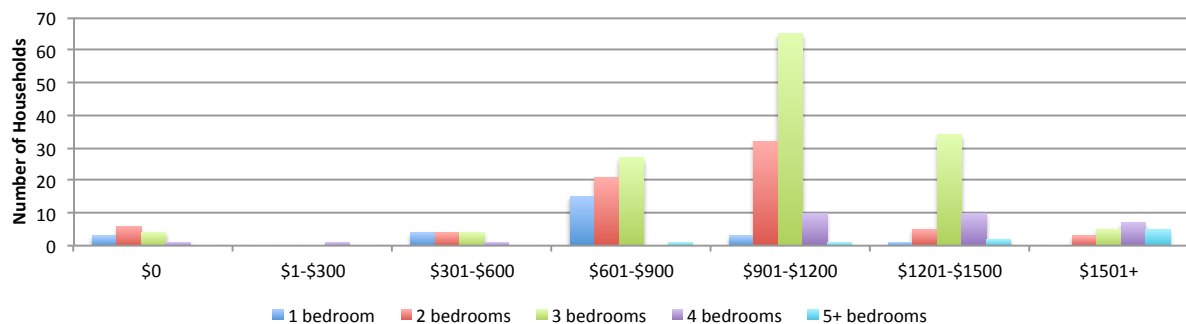
Tenancy Issue	2015/16	Prev Yr
Repairs & Maintenance	24%	26%
Bond	15%	17%
Lease Breaking	14%	13%
Lease Query	12%	8%
Other	10%	11%
Access & Privacy	7%	8%
Notice to Terminate	7%	4%
Notice to Vacate	5%	5%
Rent Arrears	2%	2%
General Information	2%	4%
Rent Increase	2%	1%

	2014/15	2015/16	Change on Prev Yr	5 Year Change
Average Rent	244	257	5.3%	15.2%
Average Bond	921	1055	14.6%	27.4%
2 Bedroom Average Rent	260	235	-9.6%	14.6%
3 Bedroom Average Rent	230	327	42.2%	36.8%

Weekly Rent by Dwelling by Size - North



Bond by Dwelling Size - North



# South



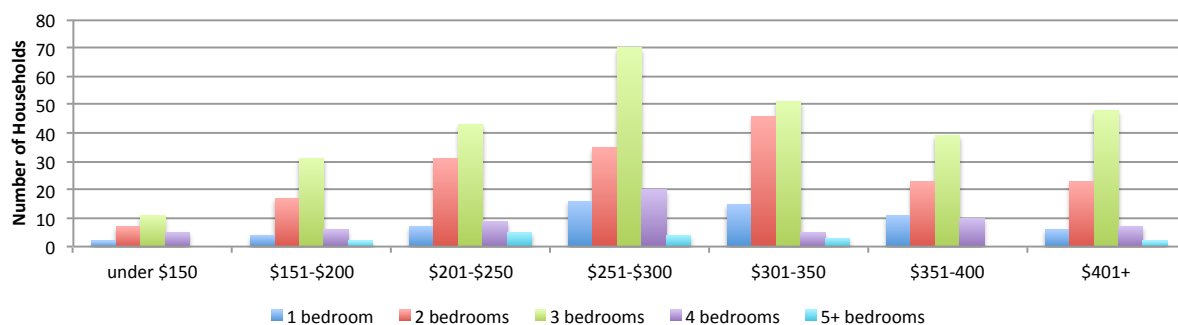
**57%** of all Advice  
Line Calls cam from  
people in the South  
of Tasmania

In comparison to other regions historically:  
Highest rent and bond

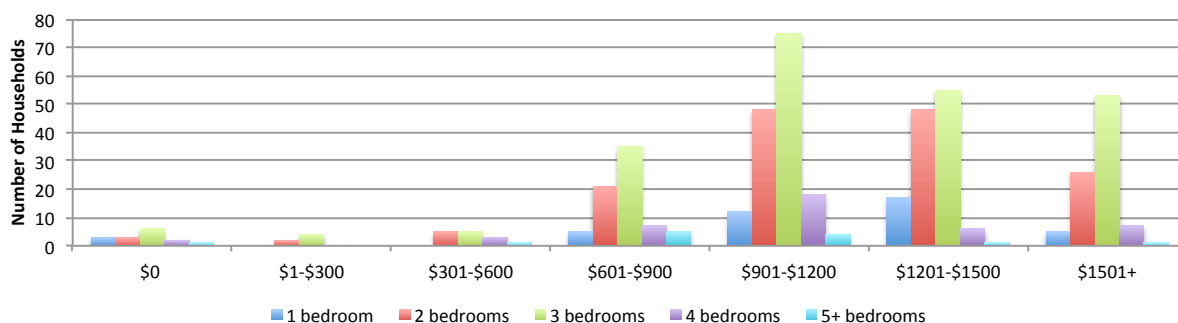
Tenancy Issue	2015/1	Prev
Repairs & Maintenance	26%	26%
Bond	15%	13%
Lease Query	14%	11%
Lease Breaking	14%	13%
Other	10%	10%
Access & Privacy	7%	8%
Notice to Vacate	5%	6%
Notice to Terminate	4%	3%
Rent Arrears	2%	4%
General Information	2%	4%
Rent Increase	1%	2%

	2014/15	2015/16	Change on Prev Yr	5 Year Change
Ave Rent	285	310	8.8%	9.9%
Ave Bond	1047	1360	29.9%	30.8%
2 Br Ave Rent	263	311	18.3%	23.9%
3 Br Ave Rent	299	315	5.4%	2.6%

**Weekly Rent by Dwelling Size - South**



**Bond by Dwelling Size - South**



# Our Links

The Tenants' Union has continued its association with the following organisations:

Member of:

- National Association of Tenants Organisations (NATO)
- Shelter Tasmania
- National Association of Community Legal Centres (NACLC)
- Community Legal Centres Tasmania (CLCTas)
- International Union of Tenants
- Tasmanian Council of Social Services (TasCOSS)
- Volunteering Tasmania

Network Partners

- Centacare Housing and Tenancy Services (CHATS)
- North West Community Legal Centre
- Launceston Community Legal Centre
- Housing Connect

Working Relationships with

- Shelter Tasmania
- Colony 47
- Anglicare
- Red Shield Housing
- Office of Consumer Affairs and Fair Trading
- Residential Tenancy Commissioner
- Rental Deposit Authority
- Housing Tasmania, Department of Health and Human Services
- Legal Aid Commission of Tasmania
- Housing and Community Research Unit, University of Tasmania
- Tasmanian Association of Community Houses (TACH)
- Advocacy Tasmania

# Financial Report

For the year ended 30 June 2016

The operating result for the year ended 30 June 2016 is a profit of \$10,581 (FY15: profit of \$11,123) – a steady result considering such uncertainty in our future funding resources.

The Tenants' Union of Tasmania (TUT) remains committed to providing services to tenants throughout Tasmania, and this work would not be possible without the generous support and assistance from our sponsors. We gratefully acknowledge their support. Our core sponsors are the Tasmanian State Government and the Commonwealth Governments. We also received one off funding from the Tasmanian Community Fund and The Solicitors Guarantee Fund (SGF). We strive to ensure that funds granted to us are used appropriately and solely for the purposes for which they have been entrusted to us.

I would also like to thank Louise Foster who stepped into the role of Bookkeeper with the TUT. I appreciate her support through her day to day management of the financials.

The TUT was fortunate to receive a one off grant through the Solicitors Guarantee Fund in December 2015 to the amount of: \$143,217.36. This grant was in addition to our core funding for our services (telephone advice line, drop in service, case work and representation) and allowed us to continue on and expand some specific projects. It is expected that these projects will be completed by the end of 2016.

As per prior years, both employee entitlements and carried forward grant surpluses are fully funded. Whilst the financial position of the Union remains steady, we continue to prepare for significant challenges to our funding in the near future to ensure that our service delivery remains at its best and continues to meet the needs of Tasmanians throughout the State.

**Michael Kennett**  
**Treasurer**  
**October 2016**

# Tenants Union of Tasmania Inc

A.B.N 90 027 237 500

## FINANCIAL REPORT

30 June 2016

Audit Report  
Statement by Members  
Profit and Loss Statement  
Balance Sheet  
Notes to and Forming Part of the Financial Report

**Tenants Union of Tasmania Inc**  
**Independent Audit Report**

**Report on the Financial Report**

I have audited the accompanying special purpose financial report of Tenants Union of Tasmania Inc, being the Statement by Members of the Committee, the Income and Expenditure Statement, the Balance Sheet and the Notes to the Financial Statements for the year ended 30 June, 2016.

**Committee's Responsibility for the Financial Report**

The Committee of the Association are responsible for the preparation and presentation of the Financial Report and the information contained therein. The Committee have determined that the accounting policies used and described in Note 1 to the Financial Statements, which form part of the Financial Report, are consistent with the financial reporting requirements of the Associations Incorporations Act (1964), are appropriate to meet the requirements of the Association's Constitution and are appropriate to meet the needs of the Members.

The Committee's responsibilities also include establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

**Auditor's Responsibility**

My responsibility is to express an opinion on the financial report based on my audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. I have conducted my audit in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

**Tenants Union of Tasmania Inc**  
**Independent Audit Report continued**

**Auditor's Responsibility continued**

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Committee, as well as evaluating the overall presentation of the financial report.

The Financial Report has been prepared for distribution to the Members for the purpose of fulfilling the Committee's financial reporting requirements of the Association Incorporations Act. I disclaim any assumption of responsibility for any reliance on this report or on the Financial Report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

**Independence**

In conducting my audit, I have complied with the independence requirements of the Australian professional ethical pronouncements.

**Basis for Qualified Opinion**

As is common for organisations of this type, it is not practicable for Tenants Union of Tasmania Inc to maintain an effective system of internal control over donations, fee income and other fundraising activities until their initial entry in the accounting records. Accordingly, our audit was limited to amounts recorded in the financial accounts.

**Tenants Union of Tasmania Inc**  
**Independent Audit Report continued**

**Auditor's Opinion**

In my opinion, except for the effects of the matter described in the Basis for Qualified Opinion paragraph, the financial report of Tenants Union of Tasmania Inc is properly drawn up in accordance with the Associations Incorporations Act, including:

- i) giving a true and fair view of the Association's financial position as at 30 June, 2016 and of its performance for the year ended on that date in accordance with the accounting policies described in Note 1; and
- ii) complying with Accounting Standards in Australia to the extent described in Note 1 to the Financial Report.



Michael J Müller  
Chartered Accountant

Dated at Hobart this twenty eighth day of September 2016.



**TENANTS UNION OF TASMANIA INC**

**STATEMENT BY MEMBERS OF THE COMMITTEE**

In the opinion of the Committee, the accompanying financial statements, being the Profit and Loss Statement, the Balance Sheet, and the Notes to and forming part of the accounts, for the year ended 30 June 2016:

1. Present fairly the financial position of Tenants Union of Tasmania Inc as at 30 June 2016 and the results of the Society for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Tenants Union of Tasmania Inc will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

President..

*Sue Charlton*

Treasurer

*M. Harcourt*

Signed at

*on 13 August 2016*

**Tenant's Union of Tasmania Inc**  
**ABN 90 027 237 500**

**Income & Expenditure Statement**  
**For the year ended 30 June 2016**

	2016	2015
<b>Income</b>		
Commonwealth Grants	\$ 69,495	\$ 69,064
Solicitors' Guarantee	\$ 65,101	\$ 90,114
State Government Grants	\$ 189,540	\$ 183,565
Grants - Other	\$ 810	\$ 24,465
TACLIC wage recovery	\$ 25,475	\$ 32,157
Interest received	\$ 2,767	\$ 5,728
Miscellaneous Income	\$ 1,605	\$ -
<b>Total Income</b>	<b>\$ 354,795</b>	<b>\$ 405,092</b>
<b>Expenses</b>		
Auditors Fees	\$ 2,800	\$ 3,330
Advertising	\$ 1,162	\$ 335
Bank Fees	\$ -	\$ 127
Cleaning	\$ 2,416	\$ 455
Committee expenses	\$ 165	\$ 91
Depreciation	\$ -	\$ 2,287
Electricity	\$ 2,894	\$ 4,571
Fees & Charges	\$ 720	\$ 175
Insurances	\$ 5,441	\$ 4,403
IT Expenses	\$ 7,809	\$ 1,391
Legal & Professional Fees	\$ 1,104	\$ 353
Library	\$ 114	\$ 133
Memberships & Subscriptions	\$ 2,600	\$ 2,514
Minor Equipment Purchases	\$ 725	\$ 3,097
Office Rent	\$ 17,953	\$ 17,515
Postage	\$ 593	\$ 516
Printing & Stationery	\$ 9,570	\$ 2,239
Rates & Taxes	\$ 6,296	\$ 5,240
Security	\$ 241	\$ 249
Staff Amenities	\$ 2,989	\$ 2,599
Staff Recruitment	\$ 464	\$ 456
Telephone & Internet	\$ 5,696	\$ 6,176
Training & Conferences	\$ 2,359	\$ 2,898
Travel & Accommodation	\$ 937	\$ 4,298
Wages and Salaries	\$ 226,285	\$ 275,030
Superannuation	\$ 21,979	\$ 28,846
Launceston & Northern Advocacy	\$ 26,289	\$ 24,646
<b>Total Expenses</b>	<b>\$ 349,601</b>	<b>\$ 393,969</b>
<b>Net Surplus/ (Deficit) for the year</b>	<b>\$ 5,194</b>	<b>\$ 11,123</b>

The accompanying notes form part of the financial statements

**Tenant's Union of Tasmania Inc**  
**ABN 90 027 237 500**

**Balance Sheet**  
**As at 30 June 2016**

	2016	2015
<b>Current Assets</b>		
Westpac Cheque A/c	\$ 1,995	\$ 15,103
Westpac Business Cash Reserve	\$ 170,171	\$ 92,893
Westpac CS Cash Reserve	\$ 36,481	\$ 36,014
Petty Cash	\$ 49	\$ 82
Trade Debtors	\$ 3,029	\$ -
<b>Total Current Assets</b>	<b>\$ 211,726</b>	<b>\$ 144,092</b>
<b>Fixed Assets</b>		
Plant & Equipment	\$ -	\$ 34,525
Accumulated Depreciation	\$ -	\$ -
<b>Total Fixed Assets</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Total Assets</b>	<b>\$ 211,726</b>	<b>\$ 144,092</b>
<b>Current Liabilities</b>		
Trade Creditors	\$ 4,137	\$ 13,059
Grants in Advance	\$ 5,282	\$ 6,092
Solicitors' Guarantee Advance	\$ 81,622	\$ 3,500
PAYG Withholding Tax	\$ 8,414	\$ 15,724
Superannuation Guarantee Liability	\$ -	\$ (577)
Union Dues	\$ -	\$ (20)
Provision for Long Service Leave	\$ 13,195	\$ 12,090
Provision for Annual Leave	\$ 21,386	\$ 21,326
GST Collected	\$ 8,062	\$ 6,355
GST Paid	\$ (4,862)	\$ (2,753)
<b>Total Liabilities</b>	<b>\$ 137,235</b>	<b>\$ 74,796</b>
<b>Net Assets</b>	<b>\$ 74,491</b>	<b>\$ 69,296</b>
<b>Equity</b>		
Accumulated Funds	\$ 29,296	\$ 18,173
Moving Reserve	\$ 20,000	\$ 20,000
Case Reserve	\$ 20,000	\$ 20,000
Current Operating Surplus	\$ 5,194	\$ 11,123
<b>Total Equity</b>	<b>\$ 74,491</b>	<b>\$ 69,296</b>

The accompanying notes form part of the financial statements

**TENANTS UNION OF TASMANIA INC**  
**NOTES TO AND FORMING PART OF THE ACCOUNTS**  
**FOR THE YEAR ENDED 30 JUNE 2016**

**NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES**

These financial statements are a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act (1964). The committee has determined that the association is not a reporting entity.

No Australian Accounting Standards or other mandatory professional reporting requirements have been applied in the preparation of this financial report.

The statements are prepared on an accrual basis. They are based on historic costs and do not take into account changing money values, or except where specifically stated, current valuations of non-current assets

The following specific accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of these financial statements.

## Tenants Union of Tasmania Inc

### Committee Members

Name	Position	Address	Contact
Sue Chapple	Convenor	220 Nelson Rd Mt Nelson 7007	62 254 100
Michael Kennett	Treasurer	439 Allens Rivulet Rd, Allens Rivulet 7150	62 396 547 / 0450 832 007
Emily Conway	Secretary	63 Kingston View Drive, Kingston	
Michelle Parker	Officer	12 Grevillia Way Kingston	62 280 137
Pia Struwe	Officer	108 Mount Stuart Rd, Mount Stuart	
Andrew Muthy	Officer	30 Valley Street West Hobart	0448 708 870