

Tenants' Union of Tasmania



Annual Report

2016/17

Photo: Porch life by Marcel Oosterwijk CC BY-SA 2.0

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Achievements 2016/17

2,548 instances of advice and support in tenancy matters

including **1,985** phone advices,
445 drop in clients, and
118 cases opened

In partnership with Rosny College we developed **video resources** on tenancy law to benefit Tasmanians who struggle with literacy

17 articles or appearances in the **media**, including newspapers, radio and tv raising awareness and lobbying for tenants on the law and policies (5 occasions), the Tasmanian rental market (7 occasions), pets (2 occasions) and the scrapping of the reintegration of ex-offenders program (1 occasion)

41 Community Legal Education Sessions across the state reaching more than **475** people, including students, social workers, refugees and migrants, mothers and other members of the public

38,825 sessions on www.tutas.org.au

1,853 downloads of our **Don't Panic** brochure as well as distributing close to **2,000** **Don't Panic** hardcopies

32,282 Factsheet downloads

Convenor's Report

As this is my first report as a Convenor of the Tenants' Union of Tasmania (TUT), I firstly wish to thank all staff, volunteers and fellow committee members for their hard work. Fortunately, my landing as Convenor was softened by the invaluable support and input from other committee members, and staff, many of whom I previously worked with during my 9 month stint as TUT's Acting Principal Solicitor (2014). I was also fortunate to work previously with my predecessor Sue Chapple; who left large shoes to fill given her highly valued leadership over many years. Without all these cogs TUT could not continue to provide support, including advocacy, for tenants.

'Support' for tenants across Tasmania is many things, including: from community legal and year 12 education through to legal advocacy and much more. Accountability for providing this support is not ultimately achieved through maintaining national legal centre accreditation, or complying with funding agreement reporting obligations, et cetera. All of these things are important, even critical. But accountability for the support that TUT delivers ultimately comes from the effectiveness of this support; the benefits it delivers to tenants, of whom a majority are low income earners in a long term market trend of shrinking rental stock and increasing demand.

As with any community legal centre, the cycle of funding is one that simply has to be accepted. TUT is grateful for its core State and Commonwealth funding as well as the Solicitor's Guarantee Fund and Law Foundation funds it receives. However, the lack of certainty we have with funding renewal into the future, on the back of reduced funding, has accentuated existing and created new challenges for TUT to effectively deliver support to the Tasmanian community. Uncertainty injects a more subtle adverse effect on service delivery than funding reduction *per se*: it reduces our ability to effectively and strategically review, plan and improve services. As my predecessor has highlighted, this environment has contributed to staff retention and recruitment issues.

Fortunately, staffing has been relatively stable since the previous annual report. Meredith Barton's (Principal Solicitor) support and leadership is appreciated by the committee. Alex Bomford and Jeff Thompson continue to provide valuable legal support in their part-time solicitor roles, in addition to Senior Solicitor Ben Bartl's contributions. Steve Bennett has thankfully arrived to fill the Training and Development Officer role. Julia Ely and Phil Hoffen continue to contribute to TUT with their valuable input from years of TUT experience. Louise Foster has continued as bookkeeper, whose input has also been much appreciated. We also welcomed Kat Induni to the Committee, who knows TUT well from her tertiary student volunteering days. 'TUT' is very much a 'We' not an 'it'. Thank you all.

Tim Walter
Convenor
October 2017

Principle Solicitor's Report

The Tenants' Union of Tasmania continues to provide an essential service to residential tenants throughout the state. We endeavour to reach as many tenants as possible through our advice line, advocacy and representation work and our community legal education program. This has been achieved through the continued support from the North West Community Legal Centre and the Launceston Community Legal Centre. Our website is a valuable tool for tenants, staff, volunteers and others that access it. We pride ourselves on ensuring that the information we provide through the website remains valid and accessible. We continue to see the positive effects of recent amendments to the *Residential Tenancy Act 1997* (Tas) and appreciate and value the extra work the Residential Tenancy Commissioner's office has taken on as a result of these changes. Our experience has shown that this change in powers has been beneficial for the parties involved and has streamlined a number of decision making processes. Secure funding for the Tenants' Union of Tasmania continues to be of great concern. We have again only been provided certainty for a 12 month period and have seen no increase in our base funding for a number of years. As such we still rely heavily on one-off grants such as the Solicitors' Guarantee Fund to maintain our current frontline services.

Southern Office

The southern office continues to work tirelessly to provide an excellent frontline service. Our telephone advice line and our drop-in service continue to be extremely busy. We received further support from the Solicitors' Guarantee Fund (SGF), which has allowed us to continue and expand our Community Legal Education program. Alex Bomford has done an excellent job, completing over 40 education programs throughout the state, including a focus on rural, regional and remote areas. The CLE program is a critical component of our service, which is unfortunately under threat due to financial insecurities. The SGF funding has also allowed us, in conjunction with Rosny College, to produce short educational videos which will soon be available on our website. This resource will provide another means of information to those who may struggle with literacy. Steven Bennett has undertaken the project officer position for this. We were also fortunate to receive a grant from the Law Foundation. These funds are being used to produce a tenancy education program which will be made available to the Legal Studies classes in the Colleges and we are hopeful that it will ultimately be adopted by TasTAFE and the University. Again, Steve Bennett has taken on this role and we are looking forward to seeing it made available in classrooms around Tasmania in 2018.

Ben Bartl, Jeff Thompson and Alex Bomford provide case work including representation of tenants in Tasmanian courts and Tribunals as well as providing Duty Solicitor representation in the Hobart Magistrates Court on a weekly basis as well as endeavouring to do this on a fortnightly basis in the Launceston Magistrates Court. Their work and support throughout the year has been exemplary and I look forward to continuing our work together.

Louise Foster continues her role as Finance Officer and is crucial to ensuring that we remain afloat in a very restrictive financial environment. She is also key in ensuring the office is a friendly environment to work in and goes above and beyond her duties for us. Ending the

year with quite a reasonable surplus, Louise was able to upgrade our IT and furniture. Julia Ely works tirelessly to keep our communications up to date, undertaking key work such as the maintenance of the website, memberships, annual reports, research, our newsletter and our annual training day. Julia also steps in whenever she is needed to find information and research policy ideas for us. And finally Phil Hoffen has rejoined our team in a small capacity undertaking some statistical work with Residential Deposit Authority figures. It is great to have him back and we look forward to his continuing to work for us.

Whilst the TUT faces continual financial pressures and a new review of the Legal Assistance sector by the government, I feel we are in an excellent work space with a great team who have the most experience in this area in the state. I am proud of what we have achieved and will continue to do so and I thank everyone for their hard work.

Northern and North West Services

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

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. Alex Fry has continued on into his 11th year with us and is a huge asset. I would also like to thank Steve Bennett as he has continued to provide support for this program on a volunteer basis which has ensured that we maintain volunteer levels and development.

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.

I would like to thank the Management Committee, who volunteer their time for this important role. In particular, I would like to thank Tim Walter in his new role as Convenor. His first year has been a relatively smooth one and his experience and knowledge of our service has been a great benefit. Also, we would like to extend our gratitude to Paul Kelly our first year treasurer, thank you for the ease of the transfer from Michael Kennett. Our finances are definitely in good hands. And thanks to long standing members Emily Conway, Michelle Parker and Pia Struwe as well as our newest member Katryna Induni.

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.

Finally, I wish to thank the Department of Justice and the Department of Health and Human Services for their continued support of the TUT and in particular to make note of the Honorable Dr Vanessa Goodwin who has been a long time supporter of the Legal Assistance sector including Community Legal Centres. We wish her all the best for the future. I also extend a special note of appreciation to the Solicitors' Guarantee Fund and the Law Foundation for their ongoing support of our projects. I look forward to working with everyone into the future.

Meredith Barton
Principal Solicitor
September 2017

About Us

AIMS

The Tenants' Union of Tasmania 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 of Tasmania 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 of Tasmania 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 of Tasmania 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 9:30a.m. and 4:00p.m. weekdays and the Face-to-Face Advice Sessions are available between 9:30a.m. and 12:30p.m. Tuesday to Thursday inclusive. We also provide services through the Launceston Community Legal Centre and the North West Community Legal Centre.

FUNDING

Commonwealth Grants from the Attorney General's Department for the financial year totalled \$71,028.00. This money was used for the provision of Community Legal Education, training, coordination, compliance and administration of the service as a whole.

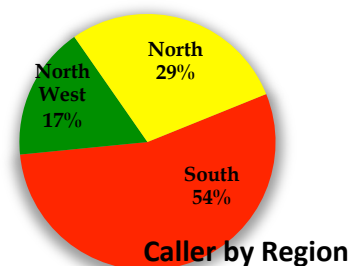
State Grants from the Department of Health and Human Services, Housing Tasmania equalled \$197,171.00 for the financial year. These funds were expended by supervising the telephone advice service and providing advocacy services and legal representation.

2016/17 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 \$93,755.00 during the past financial year.

The Law Foundation granted a further \$44,717.00. This money was allocated to develop a tenancy education program to be available to legal studies classes in colleges.

ACCESS AND EQUITY POLICY

The Tenants' Union of Tasmania continues to ensure that all tenants have equitable access to adequate tenancy advice, advocacy and community legal education services. Similarly the Tenants' Union of Tasmania 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 of Tasmania are:

- Private housing tenants
- Public housing tenants
- Community housing tenants
- Boarding house tenants

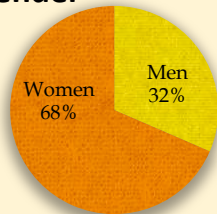
Bodies we liaise with include:

- 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)
- Federal Government agencies (eg. Department of Justice, Department of Social Services)

Most clients who contact us through our Advice Line agree to complete a questionnaire providing us with valuable data on lease agreements, private rental properties as well as the demographics of renters in Tasmania. Find an overview of renter's demographics on the opposite page.

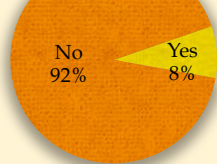
Tenants in Tasmania come from all walks of life. They have various cultural, financial and educational backgrounds.

Gender



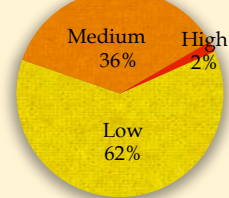
According to the 2017 Census 50.2% of the Tasmanian population are women and 49.8% men

Callers Identifying as Aboriginal or Torres Strait Islander



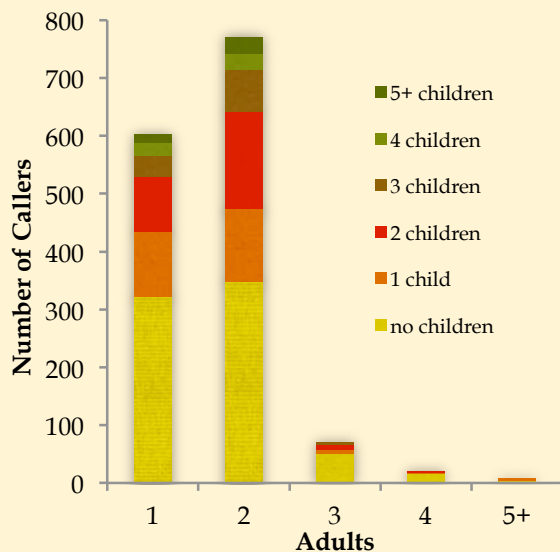
On Census night 2016 4.6% of the Tasmanian population identified as Aboriginal or Torres Strait Islander

Income Level

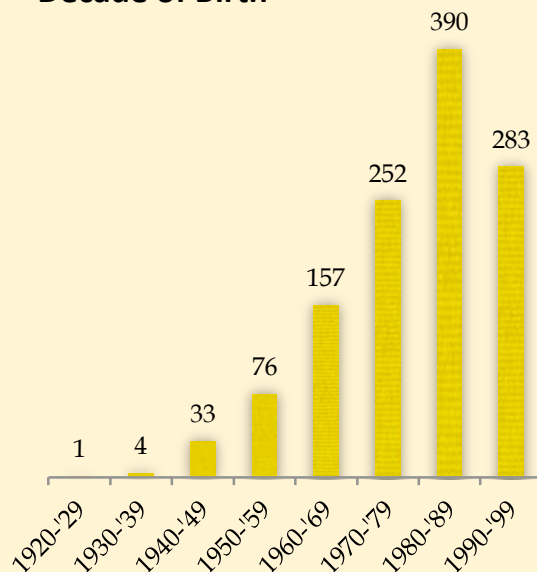


The percentage of callers describing their income level as low is shrinking. In 2010/11 it was as high as 77%, it has gradually decreased since then.

Adults & children per household



Decade of Birth



Country of Birth

Australia



Canada United Kingdom Nigeria Pakistan Germany Bosnia
Ireland Columbia Italy New Zealand South Korea Egypt France
China Netherlands Philippines USA South Africa Switzerland
Afghanistan India Bangladesh Singapore Thailand Sri Lanka

According to the 2016 Census 80.7% of Tasmanians were born in Australia and 19.3% were born overseas. England (3.7%) and New Zealand (1.0%) were the most common places of overseas births.

People

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

Benedict Bartl	Senior Solicitor
Meredith Barton	Principal Solicitor
Steve Bennett	Training & Development Officer
Alex Bomford	Solicitor & Community Legal Educator
Anne Cleal	Telephone Adviser
Emily Conway	Committee Member
Alex Cordova	Telephone Adviser
Russell Dominic	Telephone Adviser
Julia Ely	Communications Officer
Louise Foster	Bookkeeper
Alex Fry	Telephone Adviser
Sousan Gholami	Telephone Adviser
Christina Guan Ee	Telephone Adviser
Gabriela Harvey	Telephone Adviser
Bethany Hawkeswood	Telephone Adviser
Phil Hoffen	<i>Tasmanian Rents</i> Editor
Katryna Induni	Management Committee
Jody Johnson	Public Officer
Paul Kelly	Treasurer
Michael Kennett	Management Committee
Anne Knox	Telephone Adviser
Elizabeth Knox	Telephone Adviser
Caitlin Main	Telephone Adviser
Andrew Muthy	Committee Member
Chilemwa Nkowane-Poole	Telephone Adviser
Michelle Parker	Committee Member
Jacob Skierka	Telephone Adviser & Advocate
Amanda Street	Committee Member

Pia Struwe	Committee Member
Jeff Thompson	Solicitor
Lyuda Thompson	Telephone Adviser
Tim Walter	Convenor
Grace Wikstrom	Telephone Adviser

We also thank Bernie, 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:

- 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 other staff.
- Jacob Skierka attended a Legal Assistance Sector training day on referring to Community Legal Centres and Legal Aid.

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.
- Meredith, Ben, Jeff and Julia attended a Legal Assistance Sector training day on referring to Community Legal Centres and Legal Aid.
- Alex and Meredith attended a risk management workshop at the Tasmanian Law Society.
- Meredith attended a speech and mediation workshop at the Tasmanian Law Society, and also attended a National Association of Tenant Organisations (NATO) meeting in Sydney.

Service Activity

OVERVIEW

The Tenants' Union of Tasmania continued to experience high demand for its services. 2556 people contacted TUT services requesting support, advocacy and information from volunteers and staff. The Community Legal Education and Training reached out to a diverse range of people in the community through 41 CLE projects and presentations, and there was continued law reform action relating to the *Residential Tenancy Act 1997*. The Tenants' Union of Tasmania achieved this with the equivalent of 3.0 full time paid positions plus 0.2 staff at both the Launceston Community Legal Centre (LCLC) and the North West Community Legal Centre (NWCLC).

	14/15	15/16	16/17	Long Term Ave
Tenant Advice:	2787	2786	2556	2780
Made Up Of:				
Face-to-Face	418	418	445	398
Cases Opened	115	118	126	99
Telephone Advice	2254	2250	1985	2283

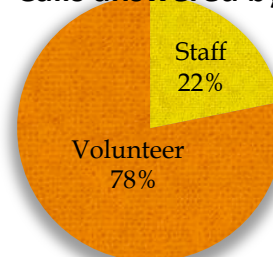
TELEPHONE ADVICE LINE

The Telephone Advice Line is by far the most frequently used method of individual contact and support at the Tenants' Union of Tasmania – 78% of our clients contact us via phone. Yet, the number of people that contact us on the advice line has decreased over the past financial year and is still down from the long-term average as shown in the table above.

The decrease in calls may 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 hour 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.

Calls answered by



Furthermore, we use the Telephone Advice Line to collect rental and demographic data from our clients. This data is extremely valuable to the Tenants' Union of Tasmania 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

1) Notice to Terminate/ Bond/ Communication between Tenant and Landlord

A tenant, who was renting a property on a non-fixed term basis had received a Notice to Vacate (NtV) on the grounds that her landlord wanted to move back into the property themselves. She was ready for a sea change and did not mind that her landlord intended to move back in. However, in order to save money for the bond at her new rental, she stopped paying rent. Initially, the tenant believed the owner was agreeable to her not paying rent. But, out of the blue the owner demanded that she vacate the property within days. As well as the fear of a sudden eviction, she was concerned about the return of her bond, which the landlord had not lodged with the Rental Deposit Authority.

This case presents a number of issues, which can sometimes occur in the relationship between tenant and landlord. While a landlord may evict a tenant on a non-fixed term lease to move back in themselves, they have to do so in accordance with the *Residential Tenancy Act 1997* (Tas) (the Act), giving the tenant at least 42 clear days notice. However, the serving of a Notice to Vacate does not give the tenant permission to stop paying rent whilst still occupying the home. If you believe your landlord is agreeable to changes of your lease agreement, like waiving final rent payments, make sure you get permission in writing. Otherwise you are in breach of your lease agreement.

Finally, all rental bonds are required by law to be lodged with the Rental Deposit Authority. In cases where a landlord fails to do so, the tenant can still claim their bond via the Residential Tenancy Commissioner and the landlord may be fined.

2) Essential Repair/ Minimum Standards

A tenant gave us a call after having had multiple issues with the home they were renting, including the carpet being very dirty when they moved in and the property until recently being without electricity. They had had enough and wanted to terminate their lease. They were provided with two avenues to terminate the lease. As electricity is an essential service the landlord has to organise the repair within 24 hour of being notified. It is recommended that the tenant notify the landlord in writing as it will be easier to prove if needed. If electricity is not back working within a reasonable time the tenant can serve a Notice to Terminate. Their other option would be to serve a Notice to Terminate on the basis that the landlord did not comply with the standard of the premises being clean at the beginning of the tenancy. However, if the landlord remedies the breach i.e. has the property cleaned within the 14 day notice period, the notice would be void and the tenant would not be able to vacate at the expiration of the notice.

3) General Repairs

A tenant asked his landlord to carry out general repairs on a number of occasions. The landlord acknowledged his responsibility to carry out the repairs but wanted the repairs being carried out made conditional on the tenant renewing their lease. The tenants' last repair request had been made more than four weeks prior and was still not fixed. While we understand that it may be appealing for the landlord to make the repairs conditional, this is simply against the law. The landlord has to carry out repairs within certain timeframes regardless of the state of the lease. As the tenant's request for a general repair is longer than 28 days, they have two options available to them: they can contact Consumer Affairs and Fair Trading, who can order that the landlord carry out the repairs or they can serve a Notice to Terminate on the grounds of failure to carry out repairs.

DROP IN SERVICE

Our face-to-face sessions at the Hobart office continue to be popular amongst tenants. In the last financial year 445 tenants were assisted in this manner. This is a significant number given that this service operates for only nine hours per week. 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.

CLIENT ADVICE, CASEWORK AND DUTY SOLICITOR

Client advice and casework continued to be a core activity of the Tenants' Union of Tasmania over the last financial year. Of the tenants assisted through the Hobart service, 126 case files were opened and 85 cases closed. The casework provided 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 of Tasmania developing good working relationships with landlords, real estate agents, the Office of Consumer Affairs and Fair Trading, and the Real Estate Institute of Tasmania.

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

SERVICES IN THE NORTH AND NORTH WEST

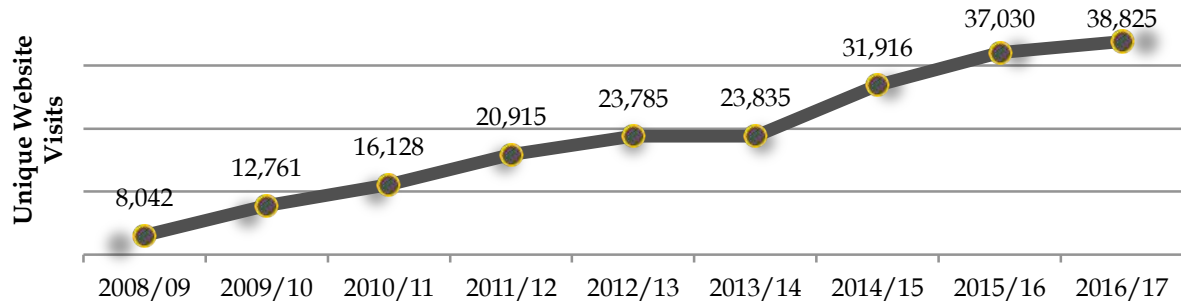
While our Telephone Advice Line is a state wide service operated from our Hobart office, tenants with more complex issues are referred to the North West Community Legal Centre in Devonport or the Launceston Community Legal Centre. Each Centre has a 0.2 position allocated to tenancy matters.

In the past financial year the Launceston service was contacted by 189 clients with tenancy matters, resulting in 154 instances of legal advice and 19 representations.

The North West CLC recorded 58 Tenants' Union of Tasmania matters. The majority of those (70%) were classified as minor assistance cases involving correspondence with landlords and the Residential Tenancy Commissioner. The most common issues dealt with in the North West in 2016/17 were repair and maintenance issues and the failure of landlords to lodge bonds with the Rental Deposit Authority.

WEBSITE, NEWSLETTERS AND SOCIAL MEDIA

In the financial year 2016/17 our website (tutas.org.au) was again visited more often than ever before, with 38,825 visits over the year. That is an increase of five per cent in page visits compared to the previous financial year.



Factsheets were the most popular destination for visitors to our website with a total of 32,282 downloads over the year. Together with our *Don't Panic* booklet, the materials made available on our website provide concise and easy to read information on various tenancy issues. They are enabling tenants in trouble to find information on the Act and relieve our busy telephone advisers.

The factsheets with the most views were (in order)

- Leaving Leases Early (5753);
- Notice to Vacate (5469);
- Repairs and Maintenance (4024);
- Access and Privacy (3367); and
- Bond (2980).

In the past financial year we published and sent out two issues of our newsletter *Rent Rant*, reaching out to community members, 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 is becoming an increasingly important tool for us to communicate with the community. Page likes went up from 470 at the beginning of the financial year to 605 on 30 June 2017, an increase of 29%!

Among our most successful posts was a promotion for an article on renting with pets in the *Mercury*, which we had also contributed to. The post, which was published on 30 April 2017 reached 4165, and was clicked 120 times.

A post from the 11 October 2017 on the Tenants' Union's right to information request to Housing Tasmania on the issue of homelessness for people exiting prison received the highest number of clicks (329) and appeared on the timeline of 2587 people.

Another post, which proofed the worth of our Facebook page, was published on 17 May 2017. We had asked tenants to tell us about their experience of rental stress, one of the stories then featured in an article in the *Mercury*. The post about the article reached 982

people and was clicked 216 times.

Case Studies

Pets

The tenant lives in a social housing home with her two dogs. During an inspection, one of the dogs jumped on the landlord's representative and bit her on the arm. The bite was not serious, but drew blood. The tenant had permission to keep the dog but the landlord told her they were revoking it. The dog was not removed within the period specified by the landlord so they issued the tenant with a notice to vacate which ultimately ended up in court. We opposed it on three grounds: (1) that the notice did not properly disclose the reason that it was issued, as it merely replicated clauses from the tenant's lease agreement; (2) that the clause allowing the landlord to revoke permission was inconsistent with the *Residential Tenancy Act 1997* and thus invalid; and (3) that as far as the grounds in the notice were valid the tenant complied with them in the notice period.

The matter went to hearing, after which the Magistrate decided in favour of the tenant. She determined that the notice itself was invalid and as such the application had to fail, but even if she was wrong and it was valid, that it was not reasonable to revoke the permission, as the landlord did not first explore other options to remedy the issue. Further, she stated the grounds were neither genuine nor just.

Minimum Standards

When the tenant moved into her social housing property she noticed a strong scent of sewage coming from the back of the toilet, where it appeared that the seal connecting the s-bend and the sewerage pipe was no longer air-tight. The enamel within the toilet bowl had also worn away. She complained to the Residential Tenancy Commissioner, who issued an order stating that the landlord was in breach of the minimum standard that all properties must be clean before they can be rented out, and that they must address the issue. Initially the landlord denied that there was an issue, but eventually they installed a new toilet after the RTC threatened to impose a fine.

COMMUNITY LEGAL EDUCATION

The Tenants' Union is responsible for providing community legal education and training (CLE) state wide 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.

Alex Bomford conducted a whopping 41 Community Legal Education sessions (CLE) in 2016/17, reaching a total of more than 476 individuals.

- ⇒ Staff of housing organisations at **Anglicare/ Housing Connect**, Hobart
- ⇒ Tenants at **Burnie Community House**, Burnie
- ⇒ New migrants and refugees at **CatholicCare**, Hobart
- ⇒ Staff/ case workers at **Colony 47**, Hobart
- ⇒ Staff & legal literacy participants at **Deloraine House**, Deloraine
- ⇒ Members of the community at **Devonport Community House**, Devonport
- ⇒ Staff & community members at **Dorset Community House**, Dorset
- ⇒ Members of the community at **Dunalley Neighbourhood House**, Dunalley
- ⇒ Life skills students at **Elizabeth College**, Hobart

- ⇒ A mother's group at **George Town Neighbourhood House**, George Town
- ⇒ Staff at **Hobart Women's Shelter**, Hobart
- ⇒ Staff at **Housing Choices**
- ⇒ Staff at **McCombe House**, Hobart
- ⇒ Staff, volunteers, refugees & migrants at the **Migrant Resource Centre**, Hobart
- ⇒ Community members & staff at the **Nubeena Neighbourhood House**, Nubeena
- ⇒ Legal Literacy Students & Real Estate Agents at **Ravenswood Community Health Centre**, Ravenswood
- ⇒ Inmates at **Risdon Prison**, Risdon Vale
- ⇒ Members of the community & volunteers at **Rokeby Neighbourhood Centre**, Rokeby
- ⇒ Staff at **The Salvation Army**, Burnie
- ⇒ Tenants at **St Helens Neighbourhood House**, St Helens
- ⇒ Staff & local at **Starting Point Neighbourhood House**, Ravenswood
- ⇒ Legal Practitioners at **The Tasmanian Aboriginal Community Legal Service**, Launceston & Hobart
- ⇒ International students at **TasTafe**, Hobart
- ⇒ Community organisers, social workers & students at the **Triabunna Village Expo**, Triabunna
- ⇒ New students at **UTAS O Week**, Sandy Bay, Cradle Coast and Launceston

Additionally, Jeff Thompson supervised 3 legal session of the **Student Legal Service** at the UTAS Law School.

LAW REFORM

The Community Law Reform and Policy work undertaken by the Tenants' Union in the 2016/17 year included the following areas:

Reintegration of Ex-Offenders Program – We headed a coalition of community groups including Shelter Tasmania and the Tasmanian Aboriginal Centre calling for 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.

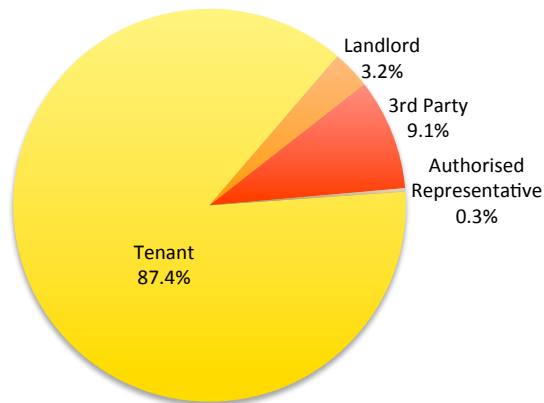
RDA Rent Statistics Project - Each quarter we are able to publish *Tasmanian Rents*, presenting rent statistics compiled from Bond Lodgement Forms collected by the Rental Deposit Authority. Access to this information provides all members of the Tasmanian community but particularly tenants with information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

Tenants and the Sharing Economy – We have raised awareness of the need for the regulation of sharing economy accommodation providers including Airbnb.

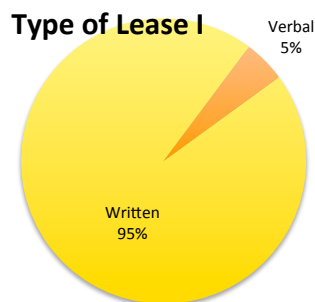
Standard Lease Agreements and Tenancy Application Forms –

We renewed a call for standard application forms and lease agreements in a letter to the Residential Tenancy Commissioner. The letter was supported by Shelter Tasmania and the Tasmanian Council of Social Service.

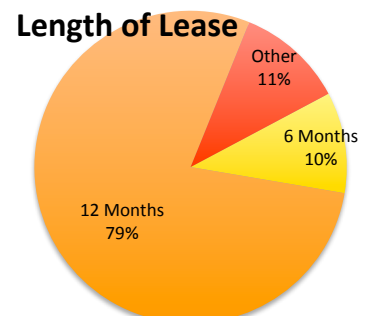
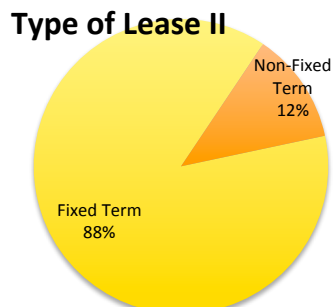
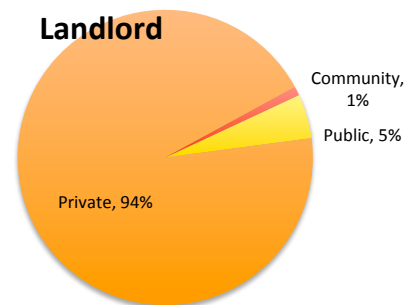
Tenancy Statistics



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



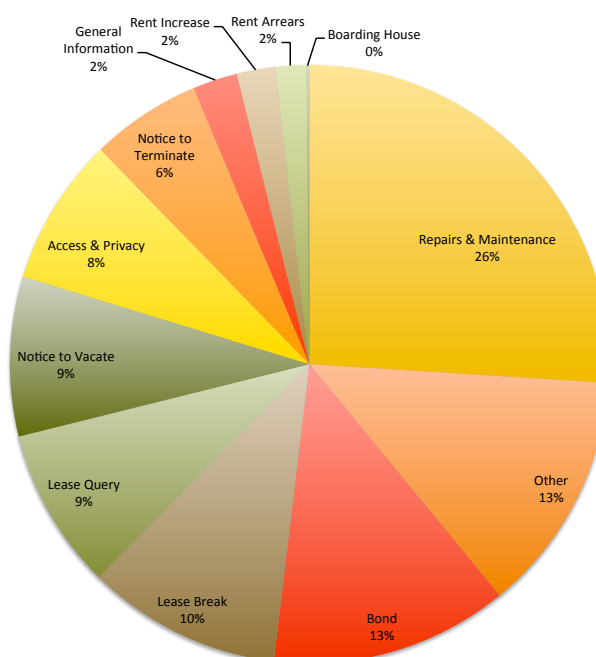
Most of the tenants we advise rent in the private market. They have written lease agreement and rent their home for a fixed period, usually 12 months. Compared to the previous financial year there is an increase in verbal lease agreements as well as an increase of tenants in public housing seeking advice.



Tenancy Issues 2016/17

Repairs and Maintenance continues to be the number one issue tenants are seeking advice about. Its percentage amongst tenancy issues increased from 24% in 2015/16.

The second highest issue our advice line staffed filed a case under was the category 'other'. An issue falls under 'other', when it cannot be described by another category, or there are additional challenges to another issue. A re-occurring theme in this year's other category is the trouble in finding a place to rent in the first place.



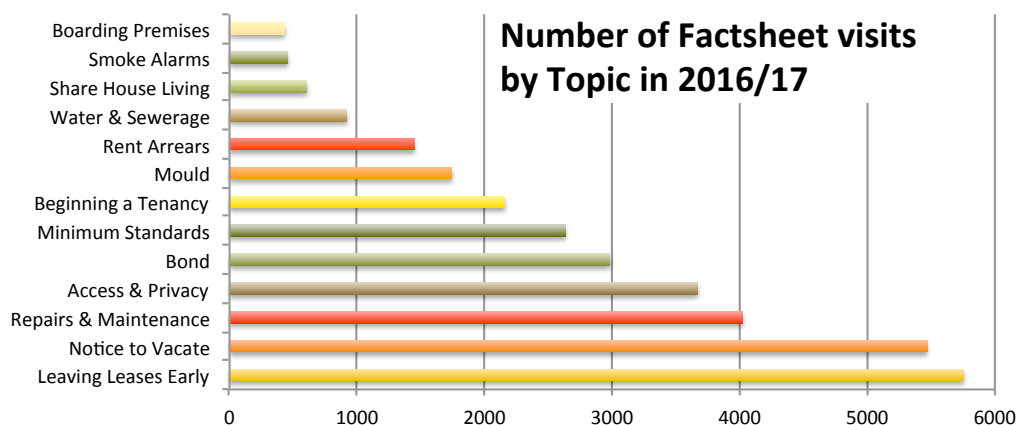
Most common Issues in Advice Calls by Year

2013-14	2014-15	2015-16	2016-17
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 Vacate	Lease Query	Lease Query	Lease Query

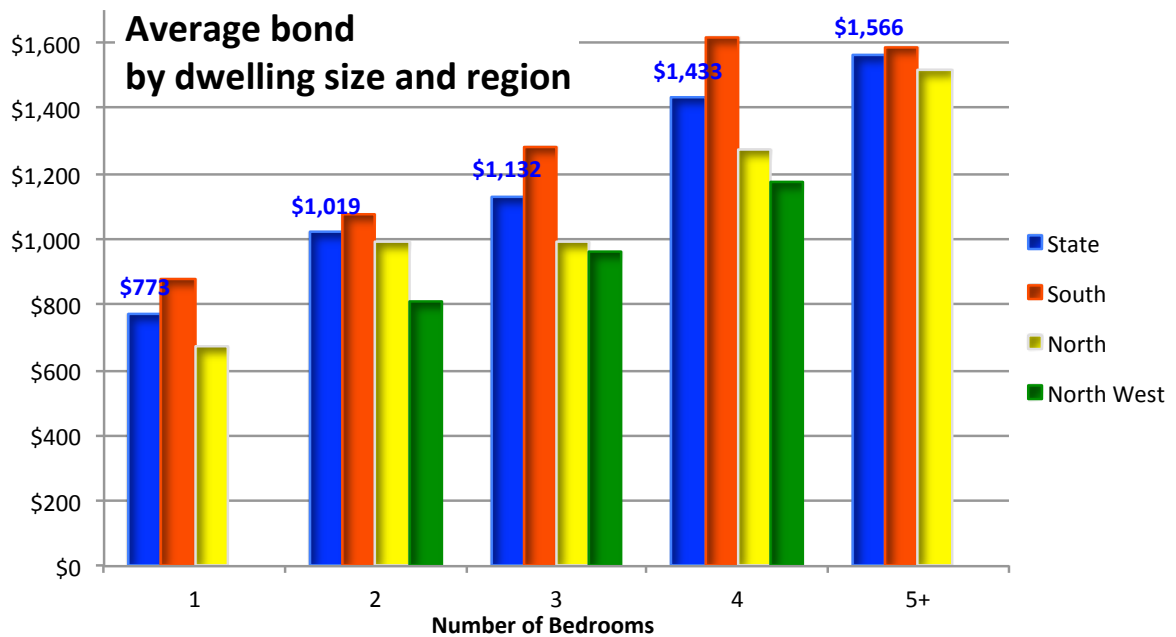
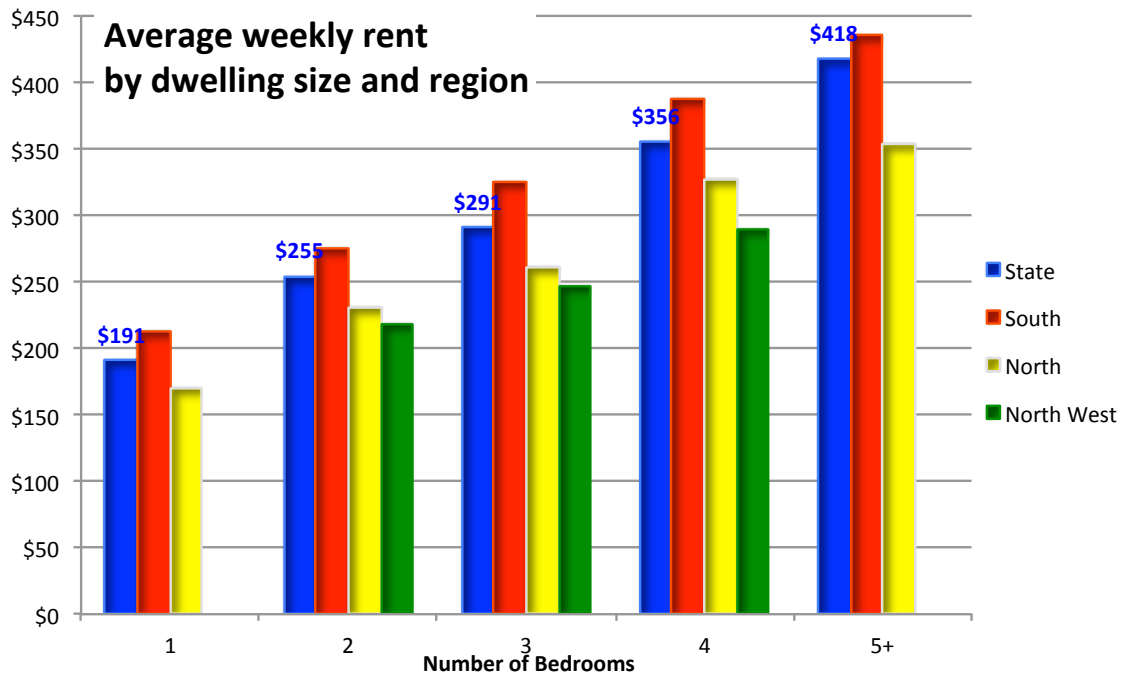
Factsheet Downloads

Another indicator of the issues people renting their homes in Tasmania face are the number of factsheets downloaded from our website tutas.org.au. 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.

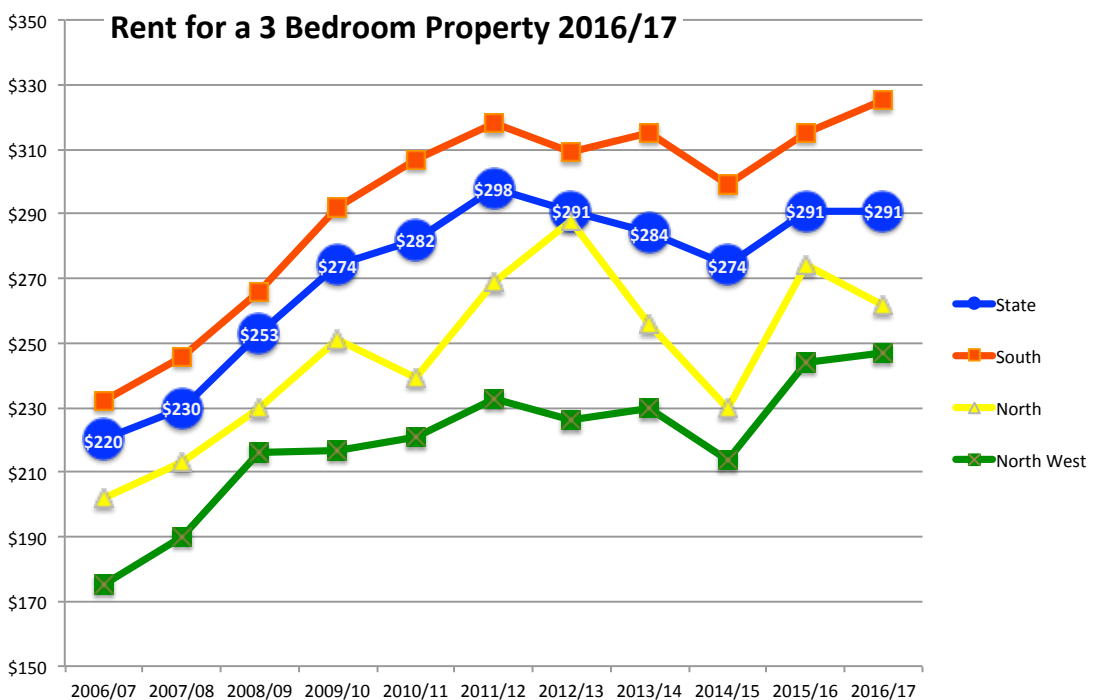
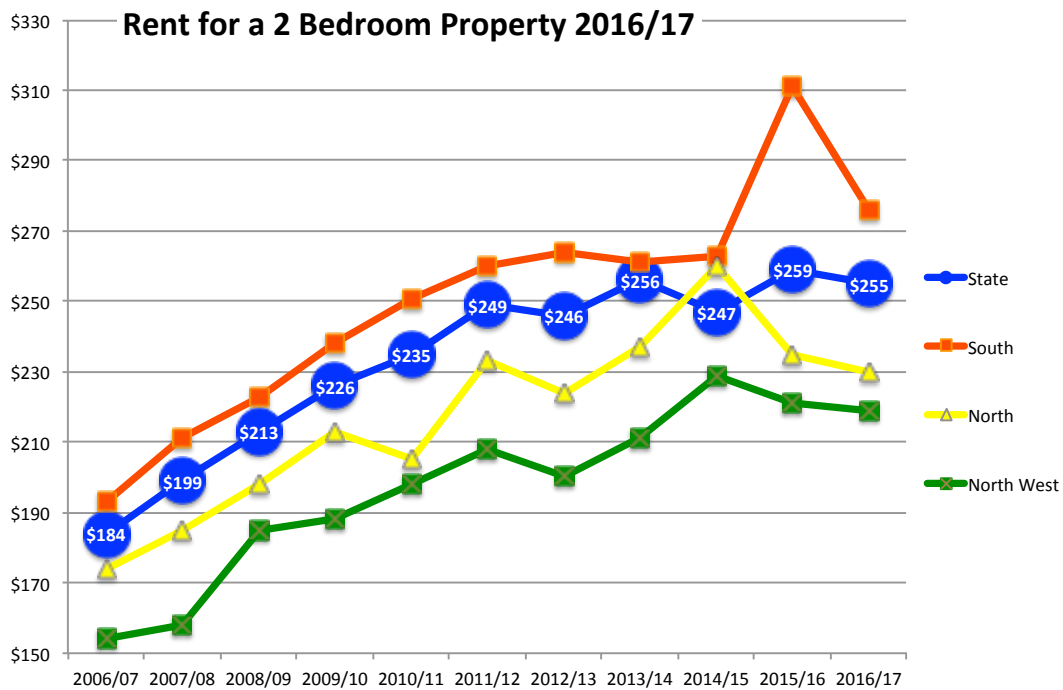
We are delighted to see an increasing number of downloads of the 2015 published factsheet on Minimum Standards and hope that tenants' knowledge about the standards will help make those hard fought for amendments to the Residential Tenancy Act will have a significant impact on the quality of housing in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



The following charts provide an overview of weekly rental prices and bonds statewide and in the three main geographical regions in Tasmania. They confirm long term observations of rents and subsequently bonds in the South being dearest, followed by the North. Rents and bonds in the North West are lower than those in the other regions. The Figure for 1 bedroom and 5+ bedroom properties were excluded from these charts. They were unrepresentative due to small data sizes.



After an unusual hike in rents for 2 bedroom properties in the South, rents for the same decreased to match the slower long term increase for rents in the South. Statewide 2 bedroom rents as well as rents for 2 bedroom properties in the North and the North West decreased slightly, but remain overall stable longterm. Rents for 3 bedroom properties remain relatively stable all over the state with minor increases in the South and North West and minor decreases in the North.



North West



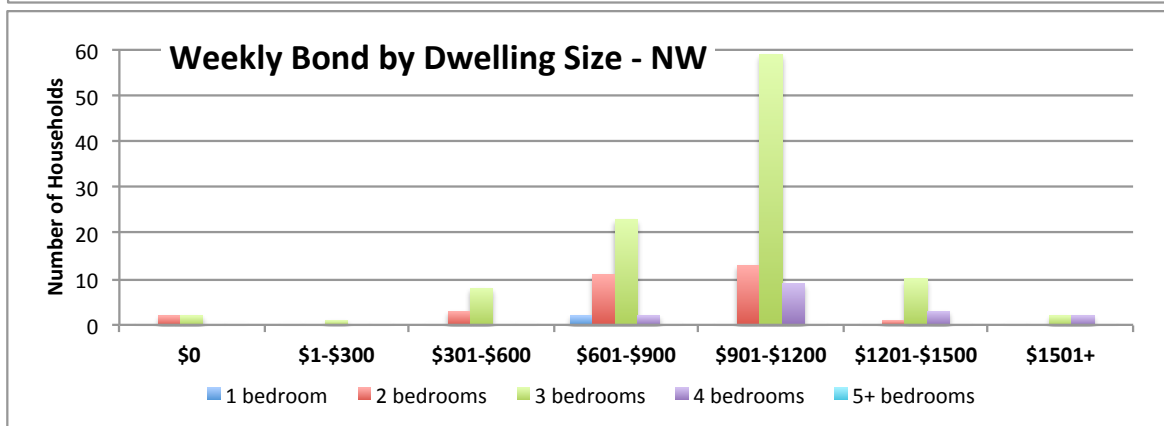
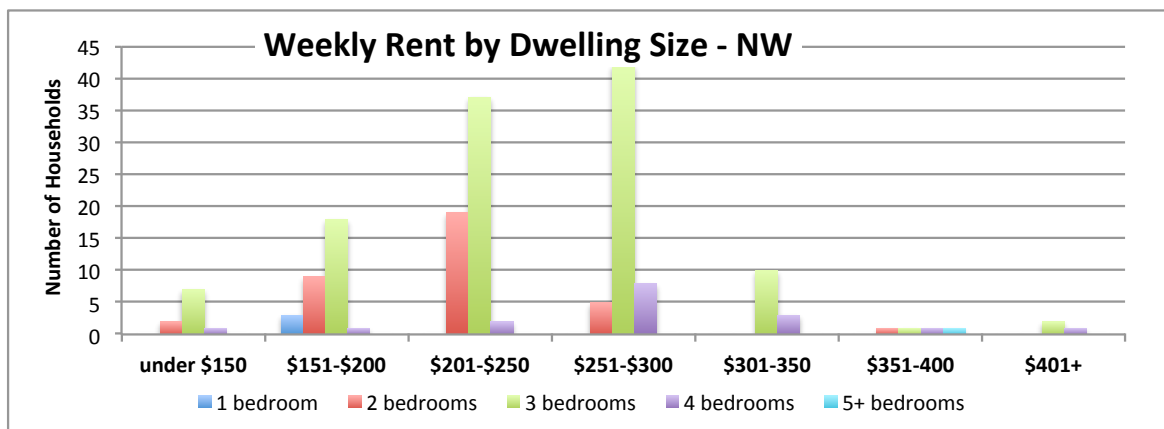
17 % of all calls to the Tenants' Union's Advice Line

In comparison to other regions historically:

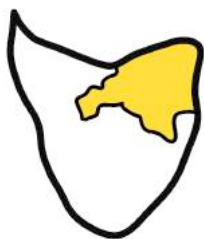
- Lowest rent and bond
- More Repairs & Maintenance issues
- Less Lease Breaking

Tenancy Issue	2016/17	Prev Yr
Repairs & Maintenance	30%	23%
Bond	15%	20%
Lease Break	12%	11%
Other	11%	11%
Notice to Terminate	8%	6%
Lease Query	7%	9%
Access & Privacy	7%	7%
Notice to Vacate	6%	7%
Rent Arrears	2%	3%
General Information	1%	2%
Rent Increase	1%	1%

	2015/16	2015/16	Change on Prev Year	5 Year Change
Average Rent	235	237	0.9%	8.7%
Average Bond	899	910	1.2%	2.6%
2 Bedroom Average Rent	221	219	-0.7%	9.5%
3 Bedroom Average Rent	244	247	1.2%	9.3%



North

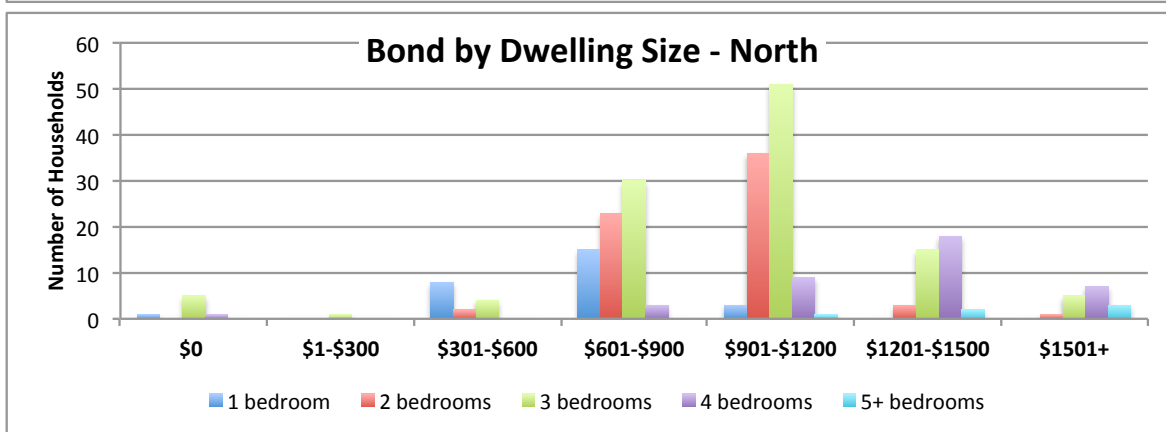
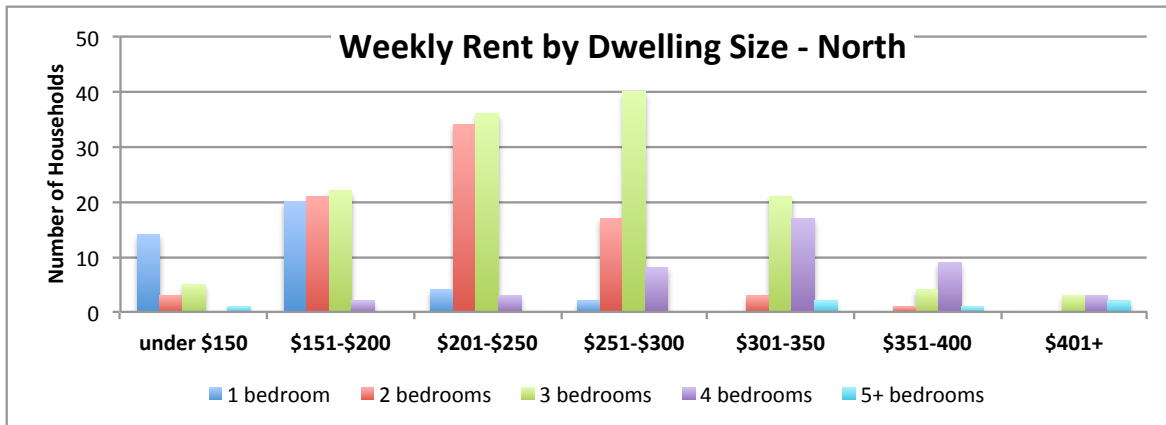


29%
of all Calls
to the Advice Line
came from
the North

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

Tenancy Issue	2016/17	Prev Yr
Repairs & Maintenance	27%	24%
Bond	14%	15%
Lease Breaking	10%	14%
Notice to Vacate	10%	5%
Other	10%	10%
Access & Privacy	8%	7%
Lease Query	7%	12%
Notice to Terminate	7%	7%
General Information	3%	2%
Rent Arrears	2%	2%
Rent Increase	2%	2%

	2015/16	2016/17	Change on Prev Yr	5 Year Change
Average Rent	257	249	-3.1%	-2.0%
Average Bond	1055	999	-5.3%	0.7%
2 Bedroom Average Rent	235	230	-2.1%	2.7%
3 Bedroom Average Rent	327	262	-19.9%	-7.4%



South

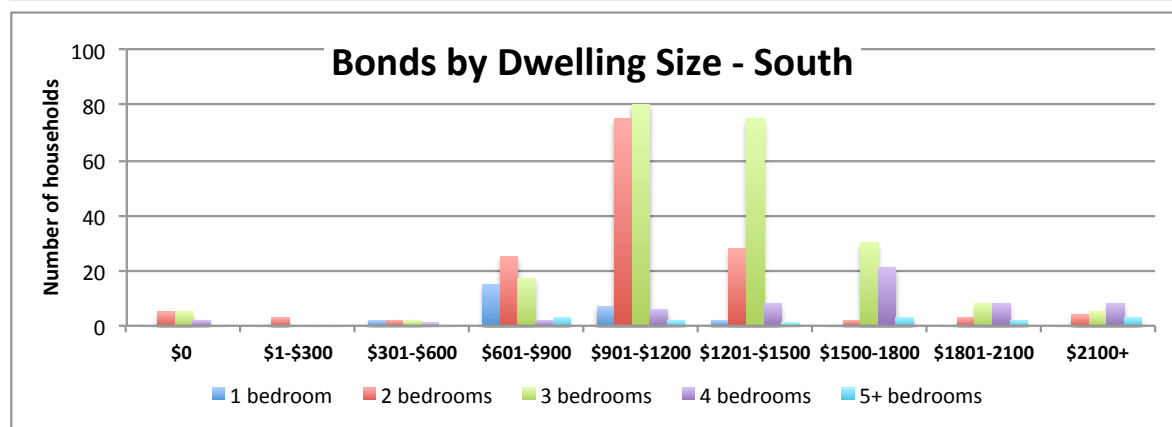
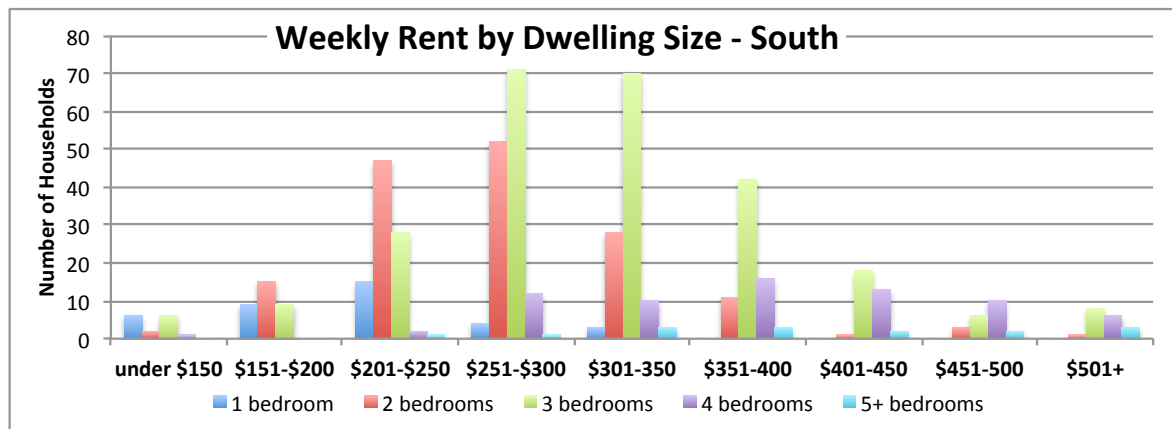


54% of all Advice
Line Calls came from
people in the South
of Tasmania

In comparison to other regions historically:
Highest rent and bond

Tenancy Issue	2016/17	Prev
Repairs & Maintenance	27%	26%
Bond	11%	15%
Lease Breaking	11%	14%
Other	11%	10%
Lease Query	10%	14%
Notice to Vacate	9%	5%
Access & Privacy	8%	7%
Notice to Terminate	6%	4%
Rent Increase	3%	1%
General Information	2%	2%
Rent Arrears	2%	2%

	2015/16	2016/17	Change on Prev Yr	5 Year Change
Ave Rent	310	304	-1.9%	5.9%
Ave Bond	1360	1204	-11.5%	10.4%
2 Br Ave Rent	311	276	-11.3%	4.6%
3 Br Ave Rent	315	325	3.2%	5.2%



Our Links

The Tenants' Union of Tasmania 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 Service (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 2017

The operating result for the year ended on 30 June 2017 is a surplus of \$37,467 (FY16: surplus of \$5,194)

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 Government. 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.

The TUT was fortunate to receive a one-off grant through the Solicitor's Guarantee Fund in February 2017 to the amount of: \$93,755.00. 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 and expand some specific projects. It is expected that these projects will be completed by the end of December 2017.

In addition, the TUT has also received a one-off grant through the Law Foundation of Tasmania in April 2017 to the amount of \$44,717.75. Conclusion of the project will be the 31 March 2018.

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 coming years to ensure that our service delivery remains at its best and continues to meet the needs of Tasmanians throughout the State.

The financial statements were audited by Michael J Müller for the year ending 30 June 2017. A copy of the Auditor's report is attached to the annual report.

I would also like to thank the TUT Bookkeeper, Louise Foster. I appreciate her excellent management of the financial records and budget work throughout the year. I would also like to thank Meredith Barton, Principal Solicitor and the entire committee for their ongoing support in the management of the budget in line with our limited funding.

Paul Kelly
Treasurer
October 2017

Tenants Union of Tasmania Inc

A.B.N 90 027 237 500

FINANCIAL REPORT

30 June 2017

**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**

Auditor's Opinion

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, 2017.

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 (1964), including:

- i) giving a true and fair view of the Association's financial position as at 30 June, 2017 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.

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, my audit was limited to amounts recorded in the financial accounts.

My audit was conducted in accordance with the Australian Auditing Standards. My responsibilities under those standards are detailed further in the Auditor's Responsibility section of my report.

In conducting my audit, I have complied with the independence requirements of the Australian professional ethical pronouncements. I am independent of the Entity in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

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

Tenants Union of Tasmania Inc
Independent Audit Report continued

Emphasis of Matter – Basis of Accounting

The financial report has been prepared to assist Tenants Union of Tasmania Inc to meet the requirements of the Associations Incorporations Act (1964) as described in Note 1 to the Financial Statements. As a result, the financial report may not be suitable for another purpose. My opinion is not modified in respect of this matter.

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.

In preparing the financial report, the Committee is responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern, and using the going concern basis of accounting unless the Committee either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. 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. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud and error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

Tenants Union of Tasmania Inc
Independent Audit Report continued

Auditor's Responsibility continued

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusion is based on the audit evidence obtained up to date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial reports represents the underlying transactions and events in a manner that achieved fair presentation.
- Communicate with the Committee and those charged with governance regarding, among other matters, the planned scope and timing of the audit, any significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Michael J Müller
Chartered Accountant

Dated at Hobart this Twenty Fourth day of October 2017.

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 2017:

1. Present fairly the financial position of Tenants Union of Tasmania Inc as at 30 June 2017 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.....

Treasurer.....

Signed at this 31 day of Oct 2017

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

Income & Expenditure Statement
For the year ended 30 June 2017

	2017	2016
Income		
Commonwealth Grants	\$ 71,028	\$ 69,495
Solicitors' Guarantee	\$ 128,499	\$ 65,101
Law Foundation	\$ 13,804	\$ 0
State Government Grants	\$ 199,075	\$ 189,540
Grants - Other	\$ 908	\$ 810
TACLC wage recovery	\$ 31,124	\$ 25,475
Interest received	\$ 1,636	\$ 2,767
Miscellaneous Income	\$ 864	\$ 1,605
Total Income	\$ 446,940	\$ 354,795
Expenses		
Auditors Fees	\$ 1,700	\$ 2,800
Advertising	\$ 0	\$ 1,162
Cleaning	\$ 1,338	\$ 2,416
Committee expenses	\$ 21	\$ 165
Electricity	\$ 5,590	\$ 2,894
Fees & Charges	\$ 524	\$ 720
Insurances	\$ 3,349	\$ 5,441
IT Expenses	\$ 2,522	\$ 7,809
Legal & Professional Fees	\$ 888	\$ 1,104
Library	\$ 0	\$ 114
Memberships & Subscriptions	\$ 2,651	\$ 2,600
Minor Equipment Purchases	\$ 7,358	\$ 725
Office Rent	\$ 18,401	\$ 17,953
Postage	\$ 606	\$ 593
Printing & Stationery	\$ 3,428	\$ 9,570
Rates & Taxes	\$ 6,562	\$ 6,296
Repairs & Maintenance	\$ 7,547	\$ 0
Security	\$ 478	\$ 241
Staff Amenties	\$ 2,669	\$ 2,989
Staff Recruitment & Training	\$ 0	\$ 464
Sundry expenses	\$ 1,411	\$ 0
Telephone & Internet	\$ 8,392	\$ 5,696
Training & Conferences	\$ 2,145	\$ 2,359
Travel & Accomodation	\$ 5,213	\$ 937
Video Production	\$ 5,000	\$ 0
Wages and Salaries	\$ 269,505	\$ 226,285
Superannuation	\$ 25,398	\$ 21,979
Launceston & Northern Advocacy	\$ 26,779	\$ 26,289
Total Expenses	\$ 409,473	\$ 349,601
Net Surplus/ (Deficit) for the year	\$ 37,467	\$ 5,194

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 2017

	2017	2016
Current Assets		
Westpac Cheque A/c	\$ 17,743	\$ 1,995
Westpac Business Cash Reserve	\$ 156,537	\$ 170,171
Westpac CS Cash Reserve	\$ 36,735	\$ 36,481
Petty Cash	\$ 35	\$ 49
Trade Debtors	\$ 6,795	\$ 3,029
Total Assets	<u>\$ 217,845</u>	<u>\$ 211,726</u>
Current Liabilities		
Trade Creditors	\$ 12,016	\$ 4,137
Grants in Advance	\$ 4,373	\$ 5,282
Solicitors' Guarantee Advance	\$ 46,877	\$ 81,622
PAYG Withholding Tax	\$ 6,342	\$ 8,414
Superannuation Guarantee Liability	\$ 0	\$ 0
Provision for Long Service Leave	\$ 14,692	\$ 13,195
Provision for Annual Leave	\$ 19,792	\$ 21,386
GST Collected	\$ 6,935	\$ 8,062
GST Paid	\$ (5,140)	\$ (4,862)
Total Liabilities	<u>\$ 105,887</u>	<u>\$ 137,235</u>
Net Assets	<u><u>\$ 111,958</u></u>	<u><u>\$ 74,491</u></u>
Equity		
Accumulated Funds	\$ 34,490	\$ 29,296
Moving Reserve	\$ 20,000	\$ 20,000
Case Reserve	\$ 20,000	\$ 20,000
Current Operating Surplus	\$ 37,467	\$ 5,194
Total Equity	<u><u>\$ 111,958</u></u>	<u><u>\$ 74,491</u></u>

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 2017**

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.