

# TENANTS' UNION (ACT) INC.



ANNUAL REPORT  
2008-2009

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Editor: Deborah Phippen, with thanks to Izzy Hockley and Committee members.

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## Tenancy in the ACT



Tenancy and housing figures vary in how up-to-date they are because different information is gathered at different times by different organisations. Tenancy data is sourced from several **Australian Bureau of Statistics (ABS)** publications as well as the Real Estate Institute of Australia. According to the 2006 Census, in August 2006 the ACT population was estimated

to be 324,034. Figures show that the usual residents of the ACT occupied 122,901 private dwellings. Of these, 29% (35,139) were rented properties; the national average was 27%. The average household size in the ACT was 2.6 people. Using this figure we can estimate that there are over 91,000 people in rental accommodation in the ACT.

The comparatively high proportion of rented dwellings reflects the ACT's relatively mobile population, with more renters and hence a greater reliance on rental accommodation than some other states. However, it must be noted that nationally the proportion of renters has increased as people find it more difficult to access affordable homes for purchase.

### Vacancy and rent rates

Statistics from the Real Estate Institute of Australia (**REI**) indicate that in the quarter to June 2009 the vacancy rate in the ACT remained steady with an annual trend of 2.5%. Although this shows a loss of available stock, it is an improvement on the previous **year's historical low of 1.4%**. Canberra remains in the lowest level of vacancies it has experienced for many years. However our situation is not as dire as Darwin which is experiencing a low of 0.8%.

It is important to note that vacancy rates are **only broad indicators of the 'true' vacancy** rates at any particular point in time. They are an aggregate across all rented properties and do not qualify the level of rent in properties. **A rise in vacancy rate doesn't** automatically mean an increase in the availability of affordable rental properties and in fact can result in a decline in affordability as relatively affordable older stock is redeveloped. The only positive trend in the longer term may be an increase in affordability if a glut develops at the higher end and landlords are forced to drop rents. We are yet to witness such a change.



In fact while the vacancy rate has improved somewhat, rents have continued to increase dramatically. This has resulted in the ACT being in the dubious position of maintaining the record of having the highest rents across the country.

The ACT rental figures for the June quarter 2009 continue to repeat trends of the past five years with Canberra having amongst the highest average rents across the country, as demonstrated by the table to the right.

City	08/09	07/08
Canberra	397	385
Sydney	375	355
Melbourne	310	n/a
Brisbane	335	322
Adelaide	267.50	250
Perth	355	335
Hobart	294	270
Darwin	472.50	445

The tables below provide some across Canberra details. All figures are from Real Estate Market Facts, June Quarter 2009, Real Estate Institute of Australia.

#### House rents June Quarter 2009

City/Zone	Median \$/week	Change over year %	Lower quartile \$/week	Upper quartile \$/week	
Inner Central	2 b/r	400	0.0	355	450
	3 b/r	440	6.0	400	480
	4 b/r	577.50	9.0	472	665
Inner South	2 b/r	n/a	n/a	n/a	n/a
	3 b/r	420	7.7	397.50	450
	4 b/r	505	-6.5	471.3	550
West & North	2 b/r	340	n/a	295	343.80
	3 b/r	390	4.0	370	420
	4 b/r	480	4.3	440	550
Outer South	2 b/r	n/a	n/a	n/a	n/a
	3 b/r	380	2.7	365	403.8
	4 b/r	462.50	2.8	441.30	497.50

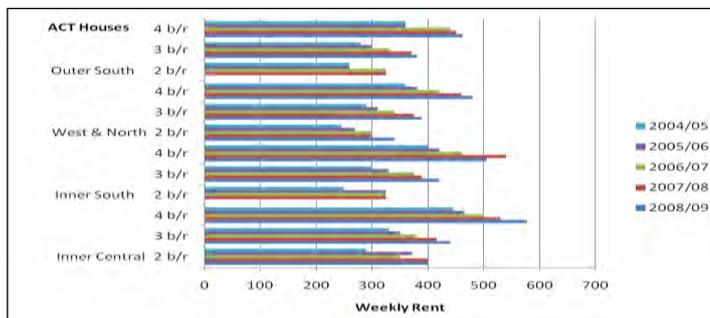
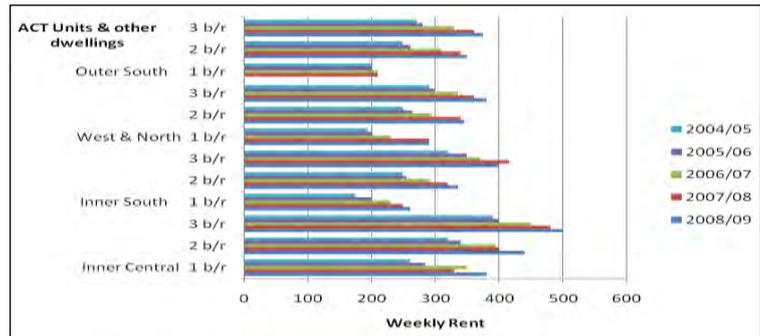
#### Flats/units/townhouses rents June Quarter 2009

City/Zone	Median \$/week	Change over year %	Lower quartile \$/week	Upper quartile \$/week	
Inner Central	1 b/r	380	15.20	260	420
	2 b/r	440	10	395	500
	3 b/r	500	4.2	422.50	600
Inner South	1 b/r	260	4.0	240	310
	2 b/r	355	4.7	290	350
	3 b/r	400	-3.6	362.50	450
West & North	1 b/r	290	0.0	225	320
	2 b/r	345	1.5	320	370
	3 b/r	380	5.6	360	410
Outer South	1 b/r	n/a	n/a	n/a	220
	2 b/r	350	2.9	330	400
	3 b/r	375	4.2	350	310

These rent levels and vacancy figures significantly affect **tenants' ability to move within the ACT**, they limit choice and bargaining power. It is difficult to argue for shorter fixed terms, lower rent etc if the landlord knows they can just go to the next person on the list. Lack of choice regarding **movement can also mean that tenants will stay, or take up tenancies they can't really afford** because they have no other alternative.

Additionally, knowledge of this situation and difficulty in finding affordable accommodation means that tenants are reluctant or fearful of asserting their rights in addressing problems within existing tenancies. They fear (whether it is based on fact or imagined) that they may lose their accommodation and will face difficulties in finding anywhere else to live.

The tables here and below, showing average rents over the past four years, demonstrate that the increases have been constant. Clearly, the pressure on tenants as described above has been constant for a significant period of time.



It has been widely acknowledged that the ACT has a serious problem with housing affordability and that tenants, and in particular private tenants, face an affordability crisis. These figures do not reflect the effect of rent increases on existing tenancies, although agents and landlords (and the ACT Civil And Administrative Tribunal) will consider current market rents when deciding the level of increases.

### Different Tenures

Private tenancies are generally either managed directly by the landlord or via an agent, normally a real estate agent but sometimes an individual (friend, family member etc) acting on their behalf. Census data shows that 41% of rented dwellings (14,412) were managed by a real estate agent, and 31% from other types of private landlord (10,853).



### Public Housing



The remaining 27% of rental properties are rented from Housing ACT. According to the Housing and Community Services Annual report, in 2008 – 09 23,178 people (in the previous year 23,168 people were housed) were provided accommodation through 11,245 tenancies. There was a decrease of 68 properties over the year with the sale of Fraser Court, bringing the total number of properties to 11,586.

In 2008-09, 632 new tenancies were provided, housing approximately 1,640 people in public housing. Of these, 96% were priority and high needs allocations.

In 2008-09, 1,053 public housing tenancies ended. Tenancies ended for a variety of reasons, ranging from transferring to alternate public housing properties (396), moving to alternative accommodation, (639) and 18 evictions for breach of tenancy, including arrears of rent. The number of evictions decreased when compared to 2007-08 (27), however there are no figures supplied in relation to the number of Notices to Vacate were served on tenants where the tenants vacated immediately without questioning the notice.

DHCS also reported a significant increase in the demand for public housing in both the priority and standard housing categories. This increase is all the more significant when it is considered that eligibility has been more tightly targeted, a step that would ordinarily result in smaller waiting lists and less demand.

## Community Housing

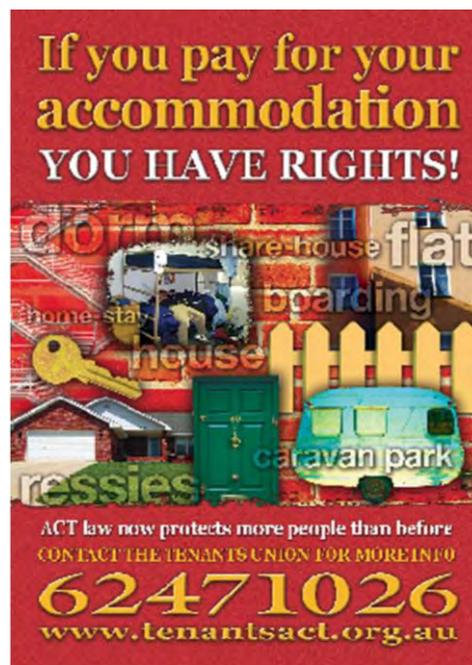
At June 2009, Housing ACT reported that community and other organisations provided housing for 698 households (708 dwellings), including short and long term housing. There are 7 housing providers in the ACT including Havelock Housing Association (225 properties), the Environmental Housing Collective Organisation (ECHO), Community Housing Canberra, and Transitional Accommodation Service.

Community housing tenancy/rental composition now consists of a number of models:

- Public Rebated Rent (Community Housing, 25% of income)
- Affordable Housing (74.9 per cent of market rent)
- National Rental Affordability Scheme (74.9 per cent of market rent).

Community housing consists of: detached housing; multi-unit developments; dual occupancies; and group-share dwellings.

Other tenures are those covered by occupancy agreements and include people in caravan parks, boarders and lodgers, and those in student accommodation. It is hoped that next year we will have reliable figures for these groups.



## TU Mission Statement

The ACT Tenants' Union is an organisation for tenants by tenants that seeks to enable all tenants to enjoy appropriate, affordable, accessible and secure housing in the ACT.

## Core Values

The ACT Tenants' Union is a non-profit community organisation committed to: the participatory involvement of tenants to achieve its vision and aims and promoting rental housing which meets the needs of tenants:

- **ensuring tenants' views are recognised and incorporated into decision making processes;**
- educating tenants and other stakeholders about their rights and responsibilities;
- promoting self help mechanisms for tenants seeking dispute resolution;
- fostering effective dispute resolution mechanisms;
- ensuring provision of high quality assistance to tenants through input into effective delivery **of a Tenants' Advice Service (TAS) and other tenancy support services;**
- fostering high morale and work satisfaction, and providing career and development opportunities for TU and TAS staff (as far as possible);
- the continued **use of resources resulting from investment of tenants' bond money** to support the rights of tenants, and increasing funds targeted to directly supporting the rights of tenants;
- supplementing funded resources with effective voluntary resources and coordinating both to ensure the TU ACT is recognised as a well-managed organisation with effective internal and external stakeholder relationships.

## Committee Membership

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The Tenants' Union (TU) Management Committee is formed each year from volunteer members of the Union who are nominated and elected at the Annual General Meeting. Committee membership consists of four executive positions, six general positions and one staff representative. During 2008/09 the committee membership comprised:

<b>President</b>	Kathleen McCoy
<b>Vice-President</b>	Maribeth Cole
<b>Treasurer</b>	Anne Macduff
<b>Secretary</b>	Genevieve Bolton (Welfare Rights and Legal Centre representative)
<b>Members</b>	Helen Merritt <b>Jill Heeley (Women's Legal Centre representative)</b> Helen Sexton Elizabeth Policarpio Matthew Roberts (resigned December 2008) Peter Elford (joined 29 June 2009)

Viren Jackson left the TU Committee, not nominating for a position at the last AGM. Many thanks to Viren who joined us in 2005.

Staff representative & Public Officer Deborah Pippen

The efforts of all committee members are greatly appreciated. Their contributions are integral the success of tenant support in the ACT.



## Staff members

Executive Officer: Deborah Phippen  
 Office Administrator: Izzy Hockley  
 Supervising Solicitor: Sandra Alonso

TAS line advice workers:

- Advice and Project (full-time) - Luke Coniston joined the TU in November;
- Advice (part-time) - Heather Taplin started in the position job sharing with John Passant, picking up **the full 4 advice shift load on John's** departure. Heather then took unpaid leave to travel the world in February;
- Advice (part-time) - Chris Meaney joined us as the locum worker replacing Heather.



### Farewelled:

Part time TAS worker John Passant joined us as a volunteer and then took on paid work. He left us in October to take up full-time work.

## Funding

The Tenants' Union receives funding through the ACT Department of Justice and Community Safety **to provide the Tenants' Advice Service**. Funds are sourced from interest on bonds lodged with the Office of Rental Bonds and held in the Bond Trust Account. This interest also funds the administration and operation of the Office of Rental Bonds and the Residential Tenancies Tribunal (and the residential tenancies component of the ACAT). It is important to **note that tenants'** money contributes to the operation of the tenancy Tribunals; there is no similar contribution from landlords. There was no readily available breakdown of the distribution of these funds.

The tables below show bond figures over the past four years.

	2008 - 09	07-08	06-07	05-06		08-09	07- 08	06-07	05-06
No. of bonds lodged	14, 256	14,066	13,179	12,581	Value of bonds lodged (\$)	23,256,705	21,513,847	16,038,843	15,564,446
No. of bonds refunded	13,097	13,041	11,187	12,675	Value of bonds refunded (\$)	16,825,411	15,318,701	Not available	12,913,734
Average value of bonds (\$)	1,420	1,320	1,217	1,226	Value of bonds held at 30 June (\$)	38,900,537	34,653,986	Not available	28,790,458



This funding enables the **Tenants' Union to provide high quality services for tenants through** out the ACT. During the previous year the TU received a minimal amount of additional funds from members. The increase in funds held in the Bond Trust Account clearly reflects the increase in rents across the ACT.

This year the TU **also received the first year's funding of three years for the ACT Governments' Affordable Housing initiatives** announced in 2007.

## President's Report

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**"Houses are built to live in"**

*Sir Francis Bacon*

Properties unfit for habitation, rent to buy agreements, tenancy and climate change: these are **just a few of the issues that the ACT Tenants' Union has engaged with in the last 12 months.** In 2008-09, the TU continued its invaluable work of promoting the rights and interests, not only of tenants in the ACT, but of all those paying money to live in their place of residence.

Following the establishment of the solicitor position last year, the TU has embraced the opportunity to improve and expand upon the services it provides. The new position has allowed the TU to more extensively assist tenants by providing minor assistance and casework, where appropriate, in addition to the telephone advice service. The demand for advice and assistance continues to outweigh the resources available. However, the TU has implemented strategies, including a greater use of the answering service, aimed at increasing the number of tenants it can assist.

The new ACT Civil and Administrative Tribunal commenced on 2 February 2009. The TU has been active in providing feedback on its operation, including in relation to fees and the consistency of ACAT decisions. TU staff have been regularly attending ACAT tenancy hearings (on a roster system) in order to further enhance the level of advice they can offer to tenants.

In 2008/09, community education remained a strong focus of the TU. The community was able to celebrate with public and community tenants in the tenancy week art show. Also, the domestic violence and tenancy workshop on 8 October was well attended. The TU was again involved **alongside the Welfare Rights and Legal Centre in the ANU College of Law's Community Law Clinical Program.** Students worked on topics such as subtenancies and housing as a human right.

In addition to its contributions to the ACT community, the TU maintained its involvement nationally in the National Association of Community Legal Centres and National Association of Tenant Organisations.

I think I speak for the TU Management Committee generally in expressing my appreciation to the TU staff for their calibre, dedication and devotion to the cause. As the TU faces the next 12 months, I am confident that it remains more than ever committed to the rights and interests of tenants and to working towards appropriate, affordable, accessible and secure housing for all.



## Executive Officer's Report

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Another year. More of the same, yet some very significant changes for the TU and TAS and some new work and activities, some new challenges and even a few wins.

As always, we have had our work cut out for us trying to meet the high demand for tenancy advice from amongst the 90,000 or so tenants in the ACT with our 2 part-time phone lines. Many, many thanks and murmurs of grateful appreciation to our wonderful tenancy advice workers who consistently provide high quality assistance to ACT tenants every day, and cope with the stress of knowing that while they work hard there are still many people who find it difficult to reach them. Unfortunately, this pressure is not likely to disappear.

In addition to the advice work we have continued to undertake complimentary work in the areas of law reform, community legal education, advocacy, networking, and promotion. In addition to all of this we have undertaken the usual amount of time on administrative activities to ensure that the organisation runs smoothly and professionally. Below I have provided further detail about our activities.

### TAS

The figures for people contacting TAS are provided later in this report.

As noted in the annual report of 06/07:

*"There was a very welcome surprise for us all when an announcement was made as part of the ACT Government's Affordable Housing Action Plan in April 2007 that we would receive an additional amount of funding in order to expand our services to tenants facing difficulties in the current unaffordable rental market. The announcement was for between \$80,000 and \$100,000 per year for three years. This was later confirmed in the ACT Budget Papers as being \$80,000 per year for three years. We are very excited by this change in resourcing that will enable us to employ an additional worker. It was decided that the best way to enhance the service we provide is to employ a solicitor to supervise advice work and undertake case work and representation."*

In anticipation of the expansion of the service in 2008 TAS extended assistance to include the provision of minor assistance to tenants in certain circumstances. The type of work undertaken included: assisting tenants to draft letters; contacting real estate agents on behalf of tenants; drafting defences in unlawful termination matters; and attending RTT conferences (bond disputes).

### TAS Legal Practice

The hugely significant change over this financial year has been the employment of Sandra Alonso as our very own TU Solicitor when the above mentioned funds were received. Sandra had previously been with the TU as a advice worker and tenancy advocate and was in the perfect position to be able to step in as our tenancy expert. This saw a significant change in our relationship with Welfare Rights and Legal Centre who had previously been contracted to provide legal supervision of all advice work. While this was a change it has not meant that the two services have stopped working closely together.

**Sandra's work** has involved setting up the now separate legal service, supervising all TAS advice, continuing to provide minor assistance and introducing representation at the RTT and ACAT. Representation is only provided in accordance with case management guidelines that are mindful

of the restrictions of our resources (and that Sandra is one person) and was only possible in a few matters including TPO applications and bond disputes.

Unfortunately, TAS was affected by the unexpected absence of a staff member which can have a significant effect on such a small service. However, with some role sharing we managed to keep the advice line open and extend the type of service provided. On the whole, as already noted, the TAS line has operated well considering the restrictions of the service. We continue to receive great feedback from clients and have referrals from all manner of individuals and organisations, including real estate agents!

### Tuesday Night TAS

The Tuesday Night TAS (Tuesday nights from 4.30 – 8pm) continued throughout the year. As noted above this occurred during a time of stretching staff resources and so we did not add an additional shift but moved a shift from Tuesday morning to Tuesday evening. This meant on Tuesdays only one phone line was staffed instead of two. The TNTAS has been busy since opening, supporting our decision to make the change. Many thanks to Sandra Alonso who has been doing the phone shifts.

Of course, we continue to review and reflect on how other changes can be made to provide for greater access to advice.

## ISSUES

### ACT RESIDENTIAL TENANCIES LEGISLATION AND TRIBUNAL

#### The Residential Tenancies Act

In March 2008 the Attorney-General, Mr Simon Corbell, announced a review of the law that regulates tenancies in the ACT. He called for submissions from stakeholders identifying problems with the Act and recommendations for change. TUACT contributed to the process but unfortunately we have heard nothing more about the progress of the review. We will be following this up in early 2009.

#### The ACT Civil & Administrative Tribunal

In February 2009 the ACAT began operation. While there were not many substantial changes to **tenants’ experiences of dispute resolution, with the ACAT remaining** in the same building while waiting for new space, this new Tribunal structure meant a significant amount of work for the TU and other services. There were some legislative changes, and we had to review and update all documentation to reflect the amendments. The TU is collecting information to contribute to a review of 12 months of ACAT in early 2010.

	2006/2007	2007/08	2008 – 2/2/09
Total Applications	3484	4564	492
Apps – Endorsement	2758 (79%)	3383 (74%)	Not available
Apps – resolution of dispute	674	1181	Not available
Endorsement granted	2905	Not supplied	Not available
*Apps – tenant	178	179	53
*Apps – landlord	481	755	436
*Apps – Housing ACT	201	247	126

An issue that was identified was further problems with statistics as demonstrated by the table. The minimal figures previously available were further restricted and now annual reports only provide the number of bond conferences (112); tenancy conferences (4); and number of hearings (335). It is hoped that the full year of statistics will be more extensive and help us better identify issues.

## **AFFORDABLE HOUSING**

This has continued to be a significant issue in the ACT, and nationally. At the ACT level the TU continued to monitor issues around affordable housing affecting the tenancy community such as rent levels, public housing stock levels and allocation policies.

## **NATIONAL ISSUES**

Of course this has been a very significant year on a national level as we started working through **the Federal Government's housing reforms**. The TU has been involved with this work through participation in national peak bodies and has included submissions in relation to the National Affordable Housing Agreement and the National Affordable Rental Incentive. We have also attended meetings with the Federal Housing Minister, Tanya Plibersek.

## **ADVOCACY AND LAW REFORM**

Issues covered by the TU and meetings attended during the year included:

Attorney-General Roundtable, SAAP exit points, community housing, CLC statistics, National Shelter – national housing issues including National Affordable Rental Incentive and National Affordable Housing Agreement, HACT – Housing Assistance Act amendment, DV and Tenancy, **National Association of Tenants' Organisations** – tenancy issues across the country; NACLCL Conference, ANU student presentations on sub-tenancy, housing as a human right, Centrelink administration; ACT Election Forum on housing policies; WRCL CLED debriefing by students (feedback on training); ANU law student – young people and tenancy services; RTA Member, discussed *Boxsell (terminating ft early / duty to mitigate / conduct of proceedings / appeal / abandonment v giving notice to terminate)*; ACTCOSS AGM with guest speaker Federal Minister for Housing, Tanya Plibersek; WRCL AGM; National Shelter – COAG announcements re NAHA; NSW Legal Assistance Forum; DHCS forum on ACT community housing regulatory framework; CLSIS data entry training; ACT Human Rights Forum; ACTCOSS Change Management workshop; organising ANU Legal Workshop placement; ACT Human Rights Consultation, The Australia Institute – research needs re tenancy issues; SGS Economics and Planning – research needs re tenancy issues; ACT Shelter focus group – Climate Change; ACTEWAGL – tenant responsibility; DHCS – ACT Regulatory Framework for Community Housing; Parity – re article on Homelessness issue; Carbon & Consumer's **Conference**; ACT Shelter Focus group on HACT rent deductions; Nation Building Plan – **Social Housing Initiative Forum, ACT CLCs meeting re Homeless Person's** Legal Clinic; Havelock community organisation tenants meeting re rent increase; Woden Inter-Agency Network; CMD officers re ACT Govt Affordable housing initiatives resulting from the 2008 Inquiry into housing for older people and homeless people; Gungahlin Regional Community Service re problems with Havelock House tenants; Law Society forum on review of ACAT; ANU and UC Students Associations regarding problems in on campus accommodation; Northside Community Centre – **one of four panellists commenting on the release of Northside's Social Capital Survey** Results; issues for community housing tenants; HACT panel to provide recommendations for Tenant Participation Grants; HACT Consultation on Community Housing Regulatory Framework; YLC students re project on homestays; Conflict Resolution Service re neighbourhood issues; Australia Institute re possible online survey of landlords; ACAT re regulations for NTV and NTR forms; Meredith Hunter (Greens MLA) to discuss CLC projects including homeless persons legal clinic and the Youth Law Centre.

Issues worked on:

ACTEW policy re tree trimming; ACT compulsory smoke alarms; ACT Building regulations and building certificates re tenants in buildings w/o planning approval; reviewed SA Share Housing book; provision of keys to co-tenants; difficulties of enforcing s 23 penalty for non-lodgement of

bond; Group share house issue – students being given separate leases and occupancy agreements in houses, by head-tenants and REAs; submission to ACT Affordable Housing Steering Group (**limited to drawing the Group’s attention to the need to consider the protection of tenants** in whatever structure they look at for housing, in particular rent increases, security of tenure, shared accommodation, standard agreement for occupancy arrangements and standards in rental housing); proposal for space needed for an ACT CLC Precinct; drafting volunteer manual; setting up Legal Practice - Casework Guidelines finalised; extensive work on ACAT changes to RTA and new legislation as well as policies and procedures; Havelock House and treatment of tenants/occupants; joint letter with WRLC to ACAT re issues; review of ORS Unit Titles Dispute Resolution Guide released by ORS; letter to ACAT re TAS training policy and issues raised at Law Society forum on ACAT.

### Regular community forums

Other regular community forums and meetings that the TU has participated in include: Monthly ACT Shelter forums, monthly ACT Shelter meetings, monthly legal issues meetings (WRLC), ACT Free Legal Advice Forum, Tenancy Week coordinating committee, ACT Community Legal Centres, National Shelter, Youth Law Centre Steering committee, the ACT Shelter Executive Committee (a TU representative is on the Committee for this housing peak), Welfare Rights Board of Management and the ACT Free Legal Advice Services Forum.

### COMMUNITY LEGAL EDUCATION AND PROMOTION

**TENANCY WEEK** This year Tenancy Week involved the participation of representatives from the TU, ACT Shelter, the Joint Champions Group (public housing tenants), Welfare Rights and Legal Centre, YWCA and Housing ACT.



The week began, as always, on International Tenants Day, a public holiday in the ACT. The official launch was held on the Tuesday at the Theo Notaris Multicultural Centre. The Minister of Housing, John Hargreaves, launched the week and was followed by several speakers: Kathleen McCoy, President of the TU, Erin Hill (a private housing tenant), Dave Primer (public housing) and a community housing tenant, Lisa Davis. Following a performance by Inannarama, guests were invited to view the tenant art show.

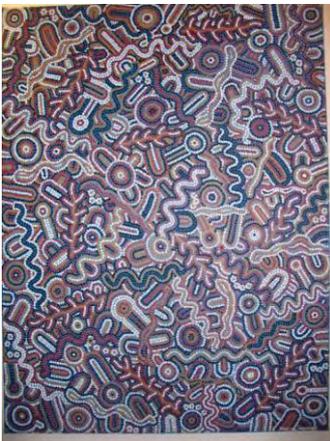


Although Tenancy Week continued to be a success in 2008 in a review of the events the TU decided that after 14 years a week of events was too much of a strain on the limited resources of the TU. Accordingly it was agreed that we would focus **International Tenants’ Day activities** on the increasingly successful Art Show. It was agreed that there could continue to be information stalls at more strategic times of the year and our very successful DV and Tenancy workshops could also be rescheduled.

### **"HOME" Art Exhibition**

The Tenants' Union, in conjunction with ACT Housing, again held an art exhibition and competition for public and community housing tenants in the ACT, following on from the success of last year's event. It is now established as an annual event celebrating the contribution of Canberra's tenants through the creative arts.

Tenants were invited to exhibit their art works at a two week exhibition at the Theo Notaras Multicultural Centre during Tenancy Week. The works were also entered into an art competition with the winners professionally judged by Helen Musa and Jorge Bagnini. Awards were presented at a cocktail party on the Friday of Tenancy Week by Maureen Sheehan, Executive Director of Housing and Community Services.



Prizes were awarded to: Belinda McDowell (1st prize), Dr Possum (2nd prize), and Samantha Aston (3<sup>rd</sup> prize). All participants received a certificate of appreciation signed by the Minister of Housing, Mr John Hargreaves. Our thanks to Cheryl Bateman from WRLC for MCing the event, and to ACT Housing for funding it.

During the rest of Tenancy Week we held information stalls at the major shopping centres in Belconnen and Woden. This year we also tried to reach a wider audience in the south by holding stalls at Erindale and Lanyon shopping centres. Our domestic violence and tenancy workshop **"There's No Place Like Home"** was run in conjunction with the Women's Legal Centre and WRLC. It proved to be a valuable resource for community workers.

### **WORKSHOPS, PRESENTATIONS**

Day-long training for community workers on Domestic Violence and tenancy law, ANU Clinical Legal Education tutorials on private tenancy law in the ACT, client interview role plays, case work scenarios and RTT mock hearing, presentation at Gungahlin Community Interagency meeting and Southside Community Interagency meeting; presentation at Carbon & Consumers Conference, presentation at Weston Creek Network meeting.

### **OUTREACH/COMMUNITY LEGAL EDUCATION AND INFORMATION STALLS**

Those undertaken included: regular Fridge Door notices; Tenancy Week Promotion (posters in bus interchanges, community centres, e-mail networks, local media); NAIDOC week stall, ANU international students stall International Students O Week; ANU O Week; CIT campuses O Week; UC O Week; ANU Law Careers Fair; Multicultural Fair; ANU law careers fair; Canberra Connect, Narrabundah Festival and Orientation events at ANU International Student Orientation Day, Southside, Reid and Bruce CITs, ANU and UC; Narrabundah Community Centre Stall; Law Week Market Day Stall.

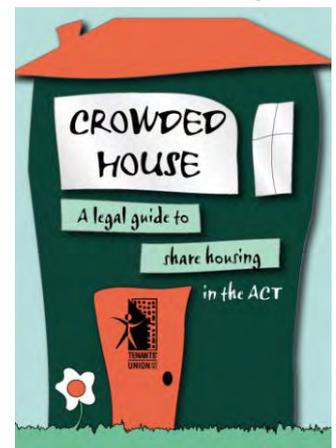
A valuable resource continued to be the community development worker at Welfare Rights and Legal Centre. Cheryl has been able to attend a range of additional forums and stalls, and also do some presentations, and has distributed our information kits and promoted the TU as well as other ACT Community Legal Centres. This sharing of resources also included the ACT CLCs sharing the costs of producing an ACT CLC promotional banner.

### **PUBLICATIONS, ARTICLES, MEDIA**

This work has included the production of two Tenant News newsletters and an update of information in university handbooks and websites. Information is also updated on the website (stats for the site are in the TAS stats section). Articles were produced for "Global Tenant" and Parity magazine on ACT boarding rooming houses, Woroni on student housing. Work was also done on the Tenancy Chapter for ACT Law Handbook. Other work included: TU profile for Citizens Advice Bureau newsletter, Green Left Weekly on ACT housing crisis; ACTCOSS article on Federal **Government's White Paper and tenancy issues**.

TU newsletters included articles on - ACT law changes, heating, water bills, neighbourhood issues, and international tenancy issues, news from across the country, REIA and ORB stats, housing affordability, ACT RTT, ACT ORB, Tenancy Week 2008, terminating a fixed term lease, renting in The Slovak Republic, news from across the country, REIA and ORB stats.

Crowded House, our legal guide to sharehousing in the ACT, was printed in hardcopy this year. It has been distributed widely within the ACT to community sector service providers, libraries and tertiary institutions. Crowded House has proved to be a very popular resource, particularly with tertiary student services. In recognition of this, the ANU International Student Service gave us a small donation to assist with the printing costs.



Media coverage issues included ACT rental market, Unit Titles legislation, Tenancy Week warning against extra payments being required of tenants, ACT rental market and real estate agent fees; ACT rents, rent auctions and HACT neighbourhood issues.

A significant amount of time was taken reviewing all publications and materials in light of the introduction of ACAT.

## MEMBERSHIPS

### International Union of Tenants

We have maintained regular contact with the IUT. The IUT journal, 'Global Tenant', has become a valuable addition to the TU library. As associate members we receive requests for input into the newsletters, and also invitations to attend meetings held in Europe, unfortunately not something we have been able to take up this year.

### NATO

The TU has **continued to be an active member of the National Association of Tenants' Associations**, participating in meetings and sharing information with other TUs and tenancy services throughout the country. This is an especially useful involvement since it provides us with access to the knowledge and experience of other services. The TU also holds the position as the NATO representative on National Shelter, working to ensure that tenancy issues are considered by this national peak.

### National Association of Community Legal Centres

The TU continues its membership of NACLCLC, and we are appreciative of the support we get through access to the national e-mail bulletin board. This is invaluable for access to information about national tenancy and law reform issues, sharing ideas about tenancy advice and access to NATO members. Through membership of NACLCLC we also access our Public Indemnity Insurance as well as **Director's insurance and a range of training and support mechanisms**. The TU





continues to hold the role of ACT representative on the NACLC Management Committee.

### **ACT Shelter**

The TU is a member of the ACT housing peak body and holds a position on the management committee of the organisation. The TU maintains close links with Shelter and supports its work.

### **ACT Community Legal Centres**

The TU works very closely with the other **four CLC's in the ACT**. **Unlike other jurisdictions we do not have the benefit of multiple services focussing on our specific issues, such as the 21 NSW Tenancy Services in addition to the TUNSW.** This means that it is especially important to share the load, resources, ideas as best we can within our small sector. ACT CLCs meet regularly to share information and contribute to more general CLC management or law reform work.

### **STAFFING**

I would like to thank my TU co-workers for their continual assistance and support. We are a very small team working within a sometimes very challenging environment. The fact that we continue and TAS is well respected, and being rewarded with extra funding, is down to the fabulous staff.

It is well known that the work is hard and the rewards are not monetary, but know that your work is respected and you are valued!

Finally I would like to take the opportunity to thank the TU Management Committee for their ongoing support and work. We all acknowledge and highly value the time that they give freely to the TU and TAS.

Deborah Phippen

## TAS Statistics

### Total TAS Client Activities

2008/09	2007/08	2006/07	2005/06
3254	2763	3,175	3,292

### Tenure Types

	2008/09	2007/08	2006/07	2005/06
Private Tenancy	96.3%	96.5%	91%	95%
Public Tenancy	0.2%	0.4%	0.7%	3%
Community Housing	0.6%	0.6%	-	0.3%
Occupants & others	2.9%	2.5%	8%	-

### Contacts by Gender

	2008/09	2007/08	2006/07	2005/06
Females	68%	65.5%	65%	63.8%
Males	32%	34.5%	34.5%	35.2%
Not Recorded		-	0.5%	1%

### TAS Top 4 - most common problems for tenants

	2008/09	2007/08	2006/07	2005/06
1	Bond	Rent	Rent	Termination by tenant
2	Termination by tenant	Termination by tenant	Bond	Repairs
3	Repairs	Bond	Repairs	Bond
4	Rent	Repairs	Termination by landlord	Rent

In the 2009/10 financial year we hope to have our tenancy advice sheets translated in to other languages, for publication on the website and in hardcopy. For this purpose we will be collecting statistics on the language preferences of our clients.

## TU Statistics

Total TU contacts for Tenancy Advice/Information

	2008/09	2007/08	2006/07	2005/06
Referrals - Total	322	520	521	1130
Referrals - TAS	77%	78%	85%	91%
Referrals – TU website	47%	53%	47%	-
Referrals – WR&LC	8.5%	5%	5.5%	3%
Referrals – Legal Aid Advice line (landlords, agents , head tenants or co-tenants)	6%	2%	4%	2%
Referrals Other–(including interstate TAS)	9.5%	14.5%	5.5%	2%

### Website Statistics:

	2008/09	2007/08	2006/07*	2005/06
Total hits	22,822	22,775	12,084	12,795
Total unique hits	18,519	16,915	7,991	7,769
Average hits per month	1901	1,898	2,197	1,066

\* 2006 – 2007 figures are for the period December 2006 to June 2007 due to technical problems with the previous service provider. The expansion in the use of the website for tenancy information is reflected in the more than doubling of the average number of hits per month since the 2005/06 financial year.

### Email Statistics:

	2008/09	Oct 2007- Jun 2008*
Referral to TAS	64	55
Referral to website	37	50
Referral to other	13	9
Average per month	14	7

\* Email statistics have only been recorded since October 2007.

## Treasurer's Report

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I am pleased to present the financial statements for the Tenants' Union for the period July 2008-June 2009.

### Income

In the financial year 2008-2009, the Tenants' Union received \$261,042 in funding from the ACT Department of Justice and Community Safety. The Tenant's Union also received the first annual payment of an additional \$83,200 to increase the provision of vital services by the Tenant's Union. This additional funding was promised by the ACT Government each year for three years. After much waiting, a Service Funding Agreement was signed on 2 July 2008 formalising this arrangement. This additional annual payment is being used to fund a full time solicitor to undertake minor assistance, casework and representation. This additional payment has been separated from the operational grant in the financial statement.

### Savings

With the new staff structure, the Tenant's Union was able to provide legal supervision internally. This resulted in the TU no longer needing to contract with WRLC to provide those services. Savings were also made through a renegotiation of MOU with WRLC in relation to the shared costs of the office space. There were also significant unanticipated savings due to staff absences and vacancies.

### Expenses

As the extent of the savings became apparent, the TU Committee authorised additional expenditure over initial budgeted amounts. The Crowded House booklet was published which led to an increase in Project Expenses and Postage. Increased costs in printing and stationery were due to the reprinting of all the TAS tip sheets. Reprinting of the tip sheets were prioritised due to the recent replacement of the RTT by ACAT. Additional money was also spent in relation to Office Equipment and Furnishings. Old office equipment and furniture was updated, as was the TU laptop and some computing equipment.

The additional money was also used to build a new wall in the TU office to enhance staff productivity. The TU was also able to absorb slightly higher costs than usual for Conferences this year, due to the annual conferences being held in Brisbane and Perth.

### Surplus

Despite the increase in spending in the areas noted above, the TU still ended the financial year with a surplus of \$16,356. However, this surplus is not of concern as it reflects approximately 5% of the total funding. The ACT Government only requires a report if an organisation's surplus exceeds 10%.

### 2008-2009 Financial statement

This year, on the recommendation of the auditor, changes were made to various provision items. In contrast to the situation under the previous Treasurer's Report, the provision item for "Workshop costs" has been moved to "Staff Training, Conferences and Meetings". The line item "Legal Supervision" has also been changed to "Legal Practice" to reflect new costs and the fact that TU no longer contracts with WRLC to provide this service. In the auditor's opinion the Tenants' Union's obligations under these provisions are satisfied.



### **Future expenses**

There are some increased costs to accommodate in the 2009-2010 financial year. Rent has increased, as has cleaning costs. Phone costs are also likely to increase due to the new call-back system being employed by TAS to extend its services. However, it is anticipated that these costs should be covered with careful budgeting in other areas. The financial health of the TU will continue to be carefully monitored.

### **Appreciation**

Many thanks to the TU staff for their attentive management of financial records throughout the year. As always, I am particularly grateful to Deb Phippen for patiently answering all my questions.

Anne Macduff  
Treasurer

TENANTS' UNION ACT  
INCORPORATED  
*Financial Statements*  
*For The Year Ended 30<sup>th</sup> June, 2009*

**Houston & Hanna**  
Chartered Accountants  
15/11 McKay Gardens  
TURNER ACT 2601

Phone: 02-62498515 Fax: 02-62496792  
Email: kim@khanna.com.au



**TENANTS' UNION ACT INC.**

**STATEMENT BY COMMITTEE MEMBERS**

We the undersigned, being two members of the Committee state on behalf of the Committee that:

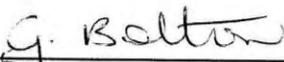
1. the Committee Members of the Association as at the date of this report are:

Helen Merritt	President
Maribeth Cole	Vice President
Anne Macduff	Treasurer
Genevieve Bolton	Secretary
Kathleen McCoy	Committee Member
Heather Roberts	Committee Member
Elizabeth Policarpio	Committee Member
Helen Sexton	Committee Member
Jill Heeley	Committee Member
Peter Elford	Committee Member

2. the principal activity of the Association during the year year ended 30 June 2009 was the provision of a tenants' advisory service.
3. the net surplus/(Deficit) for the financial year ended 30th June 2009 was: \$ 16,3€
4. in our opinion, the attached financial statements show a true and fair view of the operations and cash flows for the year ended on that date.

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

  
Signature

  
Signature

Treasurer  
Committee Member

Genevieve Bolton  
Secretary  
Committee Member

Dated this 17<sup>th</sup> day of November 2009

**TENANTS' UNION ACT INCORPORATED**  
**STATEMENT BY MEMBERS OF THE COMMITTEE**

In the opinion of the committee of the Tenants' Union ACT Inc. the financial reports as attached

1. The statement of Financial Position and Statement of Financial Performance have been drawn up to give true and fair view of state of affairs of the Association as at 30 June 2009 and the trading results for the year ending 30 June 2009.
2. At the date of this statement, there are reasonable grounds to believe that the Tenants Union ACT 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 on behalf of the committee by:

  
Committee Member

  
Committee Member

Dated this 17<sup>th</sup> Day of November 3682.18 2009

**TENANTS' UNION ACT INCORPORATED**

**INCOME STATEMENT  
FOR THE YEAR ENDED 30 JUNE 2009**

<b>2008</b>			<b>2009</b>
<b>\$</b>			<b>\$</b>
	<b>INCOME</b>		
251,002	Grant Income	- Operational	261,042
-		- TAS funding	83,200
4,836		- Capital grants	-
11,421	Other Income		5,730
2,531	Interest		1,522
<u>269,790</u>	<b>TOTAL INCOME</b>		<u>351,494</u>
	<b>EXPENSES</b>		
1,200	Audit Fees		1,300
405	Bank Charges		623
1,659	Cleaning		1,932
253	Depreciation		365
180	Employees' Amenities & Recruitment		1,409
2061	Insurance		1,713
8580	Legal Practice Costs		9,609
1,736	Library/Memberships		2,568
426	Office Equipment & Furnishings		2,597
983	Postage		1,422
4,692	Printing & Stationery		7,320
4,838	Promotion		4,062
12,198	Rent		11,064
	Salaries & Wages		
175,076	Salaries & Wages		229,473
4,915	Annual Leave Provision		1,392
2,277	Locum/relief staff		-
(3,567)	Long Service Leave Provision		4,967
1,726	Project Expenses		9,461
6,070	Staff Training, Conferences & Meetings		5,178
3,966	Sundry Expenses		3,682
15,759	Superannuation		20,763
2,094	Tenancy Week expenses		3,864
2,636	Telephone		3,480
848	Website/Internet		1,273
4,955	Capital Grant expended		-
2,362	Workers Compensation Insurance		3,326
2,270	WRLC Contribution		2,295
<u>258,870</u>	<b>TOTAL EXPENSES</b>		<u>335,138</u>
<u><b>10,920</b></u>	<b>OPERATING SURPLUS/(DEFICIT)</b>		<u><b>16,356</b></u>

THE ACCOMPANYING NOTES FORM PART OF THE ACCOUNTS.

TENANTS' UNION ACT INCORPORATED

BALANCE SHEET  
AS AT 30 JUNE 2009

2008 \$		NOTE	2009 \$
	<b>CURRENT ASSETS</b>		
83,460	Cash	2	101,604
<u>83,460</u>	<b>TOTAL CURRENT ASSETS</b>		<u>101,604</u>
	<b>NON-CURRENT ASSETS</b>		
-	Fixed Assets	3	4,523
<u>-</u>	<b>TOTAL NON-CURRENT ASSETS</b>		<u>4,523</u>
<u>83,460</u>	<b>TOTAL ASSETS</b>		<u>106,127</u>
	<b>LESS CURRENT LIABILITIES</b>		
1,272	Sundry Creditors		1,224
25,363	Provisions	4	26,755
<u>26,635</u>	<b>TOTAL CURRENT LIABILITIES</b>		<u>27,979</u>
	<b>NON-CURRENT LIABILITIES</b>		
23,913	Provisions	4	28,880
<u>23,913</u>	<b>TOTAL NON-CURRENT LIABILITIES</b>		<u>28,880</u>
<u>50,548</u>	<b>TOTAL LIABILITIES</b>		<u>56,859</u>
<u>32,912</u>	<b>NET ASSETS</b>		<u>49,268</u>
	<b>MEMBERS' FUNDS</b>		
11,976	Opening Balance		22,896
10,016	Reserve for Redundancies		10,016
10,920	Plus Operating Surplus/(Deficit)		16,356
<u>32,912</u>	<b>TOTAL MEMBERS' FUNDS</b>		<u>49,268</u>

THE ACCOMPANYING NOTES FORM PART OF THE ACCOUNTS



TENANTS' UNION ACT INCORPORATED

STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2009

2008		2009
\$		\$
	<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>	
267,259	Receipts from Members/Grants	349,972
2,531	Interest Received	1,522
(256,922)	Payments to Suppliers and Employees	(328,462)
<u>12,868</u>	<b>NET CASH (USED IN)/GENERATED FROM OPERATING ACTIVITIES</b>	<u>23,032</u>
	<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>	
-	Payments for Plant & Equipment	(4,888)
<u>-</u>	<b>NET CASH FLOWS USED IN INVESTING ACTIVITIES</b>	<u>(4,888)</u>
12,868	Net increase (decrease) in cash held	18,144
70,592	Cash at the beginning of Year	83,460
<u>83,460</u>		<u>101,604</u>
	<b>Represented By:</b>	
50	Cash on Hand	50
83,410	Cash at Bank	101,554
<u>83,460</u>		<u>101,604</u>
	<b>RECONCILIATION OF CASH FROM OPERATING ACTIVITIES TO OPERATING PROFIT AFTER TAX</b>	3682.18
10,920	Operating Surplus/(Deficit)	16,356
253	Non Cash Items in Operating Surplus:	
	- Depreciation	365
	Changes in assets and liabilities	
-	- (Increase)/Decrease in Debtors & Prepayments	-
-	- Increase/(Decrease) in Unexpended Funds	-
347	- Increase/(Decrease) in Creditors & Accruals	(48)
1,348	- Increase/(Decrease) in Provisions	6,359
<u>12,868</u>	<b>NET CASH FLOWS RELATING TO/From OPERATING ACTIVITIES</b>	<u>23,032</u>

THE ACCOMPANYING NOTES FORM PART OF THE ACCOUNTS.

**TENANTS' UNION ACT INCORPORATED**  
**NOTES TO AND FORMING PART OF THE FINANCIAL ACCOUNTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**  
**(Cont)**

	<b>2009</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>
<b>2. CASH</b>		
Cash on Hand	50	50
Cash at Bank	101,554	83,410
	<u>101,604</u>	<u>83,460</u>
<b>3. FIXED ASSETS</b>		
Plant & Equipment	4,888	7,315
Less Accumulated Depreciation	(365)	(7,315)
	<u>4,523</u>	<u>-</u>
<b>4 PROVISIONS</b>	7,320	
<i>CURRENT</i>		
Provision for annual leave	24,055	22,663
Provision for Relief/Locum	2,700	2,700
	<u>26,755</u>	<u>25,363</u>
<i>NON-CURRENT</i>	3,682	
Provision for Long Service Leave	13,480	8,513
Maternity Leave Provision	11,400	11,400
General Provisions/Training	4,000	4,000
	<u>28,880</u>	<u>23,913</u>

TENANTS' UNION ACT INC.

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009

**NOTE 1: Statement of Significant Accounting Policies**

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act 1991. The committee has determined that the association is not a reporting entity.

The financial report has been prepared in accordance with the requirements of the Associations Incorporation Act 1991 and the following Australian Accounting Standards:

AASB 1031	Materiality
AASB 110	Events after the Balance Sheet Date
AASB 118	Revenue
AASB 119	Employee Benefits

No other applicable Accounting Standards, urgent Issues group Interpretations or other authoritative pronouncements of the Australian Accounting Standards Board have been applied.

The financial report has been prepared on an accruals basis and is based on historic costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following material accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

**a. Income tax**

No provision has been made for income tax as the Company is exempt from taxation under Section 50-5 of the Income Tax Assessment Act 1997.

**b. Fixed assets**

Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all fixed assets are depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use. Leasehold improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

**c. Employee Benefits**

Provision is made for the Company's liability for employee benefits arising from services rendered by employees to balance date. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled, plus related on-costs. Employee benefits payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those benefits.

TENANTS' UNION ACT INC.

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2009

**d. Cash and Cash Equivalents**

Cash and cash equivalents includes cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

**e. Revenue**

*Government Grants / Membership Fees*

Government grants are recognised as income on a systematic and rational basis over the periods necessary to match them with the related costs.

*Interest revenue*

Interest is recognised on an accrual basis.

**f. Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

Cash flows are presented in the cash flow statement on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

**HOUSTON & HANNA**  
CHARTERED ACCOUNTANT

**K D Hanna FCA (Principal)**

**Telephone:** (02) 6249 8515  
(02) 6248 8175  
**Facsimile:** (02) 6249 6792

**GPO Box 810, Canberra ACT 2601**  
Suite 15, George Turner Offices  
11 McKay Gardens, Turner ACT

**email:** [kim@khanna.com.au](mailto:kim@khanna.com.au)

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF  
TENANTS' UNION ACT INCORPORATED  
FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2009**

**Scope.**

I have audited the attached financial statements of the Tenants' Union Incorporated (The Union) for the year ended 30th June 2009. The Committee is responsible for the preparation and presentation of the financial statements and the information they contain. I have conducted an independent audit of these financial statements in order to express an opinion on them to the members of the Union.

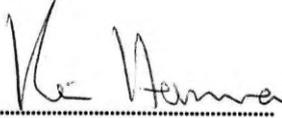
My audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. The procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards and Statutory requirements so as to present a view which is consistent with our understanding of the Union's position and the results of its operations.

The audit opinion in this report has been formed on the above basis.

**Audit Opinion.**

In my opinion,

- (a) The financial statements of the Union are properly drawn up:
- (i) So as to give a true and fair view of matters required by subsection 72(2) of the Associations Incorporation Act 1991 to be dealt with in the financial statements
  - (ii) in accordance with the provisions of the Associations Incorporation Act 1991; and
  - (iii) in accordance with proper accounting standards, being Applicable Accounting Standards;
- (b) I have obtained all the information and explanations required;
- (c) Proper accounting records have been kept by the Union as required by the Act; and
- (d) The audit was conducted in accordance with the rules of the Organisation.

  
.....  
**Kim Hanna FCA**  
**Registered Company Auditor**  
Date...17/11/09.....