

Annual Report

Tenants' Union ACT



2009 -
2010



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Editor: Deborah Phippen, with thanks to Izzy Hockley and Committee members.
Cover art - "Filled with Life" by Rob Cowan, as exhibited at "Tenants' Make Our City" exhibition, 3rd
Prize winner.

The Tenants' Union acknowledges the financial support and assistance received from members
and from the ACT Government (Department of Justice and Community Safety and Department of
Disability, Housing and Community Services).

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Tenancy in the ACT



Tenancy and housing figures vary in how current 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 ABS the ACT population was estimated to be 345,551¹ in 2008. ABS figures also show 133,300

households². Of these, 28.3% (37,700) were rented properties. The average household size in the ACT was 2.5 people. Using this figure we can estimate that there are over 94,250 people in rental accommodation in the ACT, since these are estimates from 2008.

The 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 rental rates

Statistics from the Real Estate Institute of Australia ('REI') indicate that in the quarter to June 2010 the vacancy rate in the ACT remained steady at 1.1% with an annual change of -0.4%. This shows a loss of available stock, it is a further decline from what was seen as a historical low of 1.4% in 2008. Canberra remains in the lowest level of vacancies it has experienced for many years.



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

City	09/10	08/09	07/08
Canberra	415	397	385
Sydney	400	375	355
Melbourne	335	310	n/a
Brisbane	340	335	322
Adelaide	280	267.50	250
Perth	365	355	335
Hobart	295	294	270
Darwin	479	472.50	445

glut develops at the higher end and landlords are forced to drop rents. We are yet to witness such a change.

The ACT rental figures for the June quarter 2010 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 left. There has not been a fall in rents since March 1998.

¹ ABS, National Regional Profile: ACT, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/8Population/People12004-2008?opendocument&tabname=Summary&prodno=8&issue=2004-2008>

² Table 22, 2007- 08 Housing Occupancy and Costs, 2007-08

The tables below provide some across Canberra details. All figures are from Real Estate Market Facts, June Quarter 2010, Real Estate Institute of Australia.

House rents June Quarter 2010

City/Zone		Median \$/week	Change over year %	Lower quartile \$/week	Upper quartile \$/week
Inner Central	2 b/r	415	3.8	335	450
	3 b/r	477	8.5	430	526
	4 b/r	592	2.6	550	670
Inner South	2 b/r	380	n/a	330	470
	3 b/r	448	6.5	420	468
	4 b/r	550	8.9	484	624
West & North	2 b/r	365	7.4	350	383
	3 b/r	420	7.7	393	450
	4 b/r	520	8.3	470	578
Outer South	2 b/r	353	n/a	342	364
	3 b/r	410	7.9	380	440
	4 b/r	500	8.1	460	531

Flats/units/townhouses rents June Quarter 2010

City/Zone		Median \$/week	Change over year %	Lower quartile \$/week	Upper quartile \$/week
Inner Central	1 b/r	400	5.3	310	440
	2 b/r	450	2.3	400	500
	3 b/r	575	15	490	630
Inner South	1 b/r	28	7.7	250	320
	2 b/r	370	10.4	340	400
	3 b/r	450	12.5	420	480
West & North	1 b/r	298	0.6	240	353
	2 b/r	360	4.3	340	390
	3 b/r	400	5.3	380	450
Outer South	1 b/r	368	n/a	357	388
	2 b/r	360	2.9	340	405
	3 b/r	390	4	370	410

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. It must be noted that 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.

What does this mean?

Using the definition of affordable housing as paying no more than 30% of income on rent, when paying average rent of \$415/week ACT tenants should be on an income of \$1,383, and the Canberra average weekly earnings (May 2010) was \$1,178.10. The most telling aspect of these figures arises when combining them with how many houses were available at that rent, and there were two properties. An affordable rent for a person on the average wage is \$354. There were 3 properties at that rent or below, out of 1,205 listings, and 36 at or below \$400.

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 in, 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.

Different Tenures

Private tenancies are generally either managed directly by the landlord or via an agent, normally a real estate agent or sometimes an individual (friend, family member etc) acting on their behalf. Census data shows that in the ACT 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 2009/10 23,000 people (in the previous year 23,178 people) were provided accommodation through 11,269 tenancies.

dhcs | ACT

In 2009/10, 575 new tenancies were provided (632 in the previous year), housing approximately 1,534 people in public housing. Of these, 96% were priority and high needs allocations.

In 2009/10 961 public housing tenancies ended. Tenancies ended for a variety of reasons, ranging from transferring to alternate public housing properties (243), moving to other accommodation (688) and 10 evictions for breach of tenancy, including arrears of rent. The number of evictions decreased when compared to previous years, 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 disputing 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

In 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.

Other tenures

Those covered by occupancy agreements and include people in caravan parks, boarders and lodgers, and those in student accommodation. There are yet to be any reliable figures for these tenures.

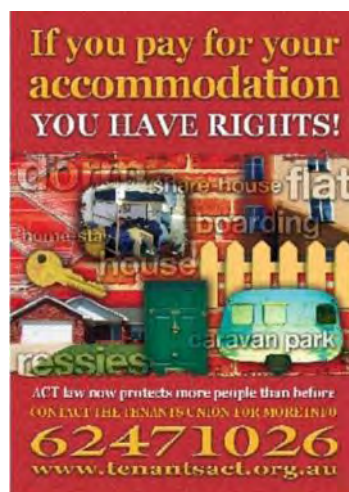
TU Mission Statement

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

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 three executive positions, four general positions and one staff representative. During 2009/10 the committee membership comprised:

President	Helen Merritt
Treasurer	Anne Macduff
Secretary	Genevieve Bolton

General Committee	Jill Heeley Helen Sexton Shelagh Keith Peter Elford Deborah Phippen (Staff Rep/Public Officer)
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Helen Merritt was appointed the new President after Kathleen McCoy stood down from the President position in May 2009. Kathleen's contributions to the TU began in 2002 when as an ANU law student she participated in the first incarnation of the Tuesday night TAS line. She went on to provide some locum assistance on the advice line and joined the committee in 2007. Kathleen stepped up when she was needed and her various contributions were invaluable and she is missed.

At the 2008/09 AGM the membership voted to remove the Vice-President Executive position. This position was vacated by Maribeth Cole, who had been a member of the TU committee since July 2006. We all thank Maribeth for her commitment and assistance to the TU.

The efforts of all committee members are greatly appreciated. Members freely give their valuable time and their contributions are integral to the smooth running of the organisation.



Staff members

Executive Officer:	Deborah Phippen
Supervising Solicitor:	Sandra Alonso
TAS line advice workers:	
Advice & project (full-time):	Luke Coniston
Advice (part-time):	Heather Taplin Chris Meaney (pictured) Rachel French
Office Administrator:	Izzy Hockley



Farewelled:

Luke Coniston resigned from his position in July.

Luke's position was shared with Heather (3 days) and Rachel (2 days). Rachel left to pursue full time employment in May 2010. Louisa Bartlett joined TU staff in the new financial year.

Funding

The Tenants' Union receives funding through the ACT Department of Justice and Community Safety. 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 table below show bond figures over the past four years.

	09 - 10	08 - 09	07-08	06-07		09 - 10	08-09	07- 08	06-07
No. of bonds lodged	14,487	14, 256	14,066	13,179	Value of bonds lodged (\$)	24,587,593	23,256,705	21,513,847	16,038,843
No. of bonds refunded	13,616	13,097	13,041	11,187	Value of bonds refunded (\$)	18,394,505	16,825,411	15,318,701	Not available
Average value of bonds (\$)	1,697	1,420	1,320	1,217	Value of bonds 30 June (\$)	43,729,923	38,900,537	34,653,986	Not available

This funding enables the Tenants' Union to provide high quality services for tenants throughout 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 received the second year's funding of three years for the ACT Governments' Affordable Housing initiatives announced in 2007. These funds have been used to cover most of the costs for our supervising solicitor, which has meant that we can provide limited case-work and representation. We also received event funding through Housing ACT for the art show.

President's Report

"Home is where the heart is."

When looking back over the past year, I am, yet again, filled with respect and appreciation for the dedication and commitment of Deb Phippen, Executive Officer, Tenants' Union (ACT) and, in fact, all the TU staff, who have sought *"... to enable all tenants to enjoy appropriate, affordable, accessible and secure housing in the ACT."* (TU Mission Statement). I am confident that I speak for the TU Management Committee, when expressing my sincerest appreciation for the many tasks they have undertaken during the year for and on behalf of tenants in the ACT.

It has been a busy and, at times, a challenging year for TU. They have clearly demonstrated their skills, professionalism and flexibility in meeting those challenges.

Tenants' Union office space was renovated to allow the TU Solicitor to have an office to ensure some privacy whilst talking with those tenants seeking advice. This was achieved through the generous donation of their time by two builders and it is with great pleasure that I publicly recognise their generosity. The changes have greatly improved the work environment for TU staff.

Work to update and improve the TU website commenced and will be completed during the coming year. The rising costs of telephone calls has been addressed by moving to the use of mobile phones with a comprehensive call plan, enabling TU staff to return calls to enquiries made to the Tenants' Advice Service at a much smaller cost.

The issue of Housing Affordability has been a major focus for the organisation during the year and a number of Tenants' Advice Service Fact and Tip sheets have been updated, along with printing of the "Crowded House" publication, for the benefit of tenants. TU Staff have visited ANU, CIT, UC and also Tuggeranong, Belconnen and Woden Community Services and provided Tenancy Kits and publications at those venues.

In addition to the ongoing work within the ACT community and meetings with local organisations, TU have continued to maintain close working relationships with interstate organisations, including National Association of Tenant Organisations (NATO) and National Association of Community Legal Centres (NACLC).

International Tenants' Day, celebrated in October 2009, was, once again, recognised by the organisation, in partnership with Housing ACT, of a Tenants' Art Show. The theme was "Tenants Make Our City" and this was remarkably well captured by the many talented artists who entered. This annual celebration of International Tenants' Day is now well-established and has proven to be very popular with the tenant community.

My final words are to gratefully acknowledge the support of my Management Committee colleagues and to encourage tenants to utilise the support provided by TU and, thus enable the education of *"... tenants and other stakeholders about their rights and responsibilities."* (TU Mission Statement).

Helen Merritt

Executive Officer's Report

Reviewing the year and looking at last year's report I see how things have changed, and how many have stayed the same. The same problems for tenants, the same unrelenting demand for assistance, the same pressures on staff. Yet we also have seen the growth of our legal practice, the production of new resources and the development of new procedures to go some way to alleviate the frustration that people have always expressed at trying to contact our service.

Firstly, the advice service – we changed the way people contact the phone line to address the constant frustration people experienced at reaching only engaged signals. We now allow people to leave contact details and they are called back by the advice workers. This allows us to better monitor demand and provides people with some certainty they will be contacted, however it has also resulted in the need to close the lines to incoming calls when the backlog is too great, and it has also resulted in a blow-out of TAS phone costs. We continue to monitor this process.

In terms of advice services the Tuesday Night TAS has continued to operate successfully, all thanks to Sandra Alonso, our solicitor who works those Tuesday nights to cover the service. This is in addition to running the legal service – supervising advice work, undertaking minor assistance and case work. The additional work has been invaluable to the TU and of course to those tenants we have been able to assist directly and also those who can use written decisions to assist with their own matters.



The report highlights other work done by the TU during the year. Of particular note was work on the "Better Lease on Life Report" produced as part of our involvement with the National Association of Tenants' Organisations. This report compares tenancy legislation across the country, identifies common issues and makes recommendations for change. It is a valuable resource for any law reform work. A copy of the report can be found on our website. The website continues to see growth in usage and we began work to completely overhaul and modernise the site. This will be completed in late 2010.

An ongoing issue that is becoming more crucial for the organisation is space. Our office space was adequate when we started with 2 ½ staff in 1994, but is now very cramped and a difficult environment for all staff. It also limits our ability to plan for any type of expansion of the service, even with students or volunteers because there is nowhere for them go. This is not just an issue for us but is causing problems for all 3 CLCs sharing space in Havelock House. We have made a joint submission to the ACT Government for a CLC Hub. We wait to see what will come of it.

Finally 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 the TU/TAS is well respected is down to the fabulous staff. It is well known that the work is hard and the rewards are not monetary, but your work is respected and you are valued!

I would also 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

2009/10	2008/09	2007/08	2006/07
4,191	3,254	2,763	3,175

Gender Breakdown

Gender	2009/10	2008/09	2007/08	2006/07
Females	62%	68%	65.5%	65%
Males	38%	32%	34.5%	34.5%
Not Recorded			-	0.5%

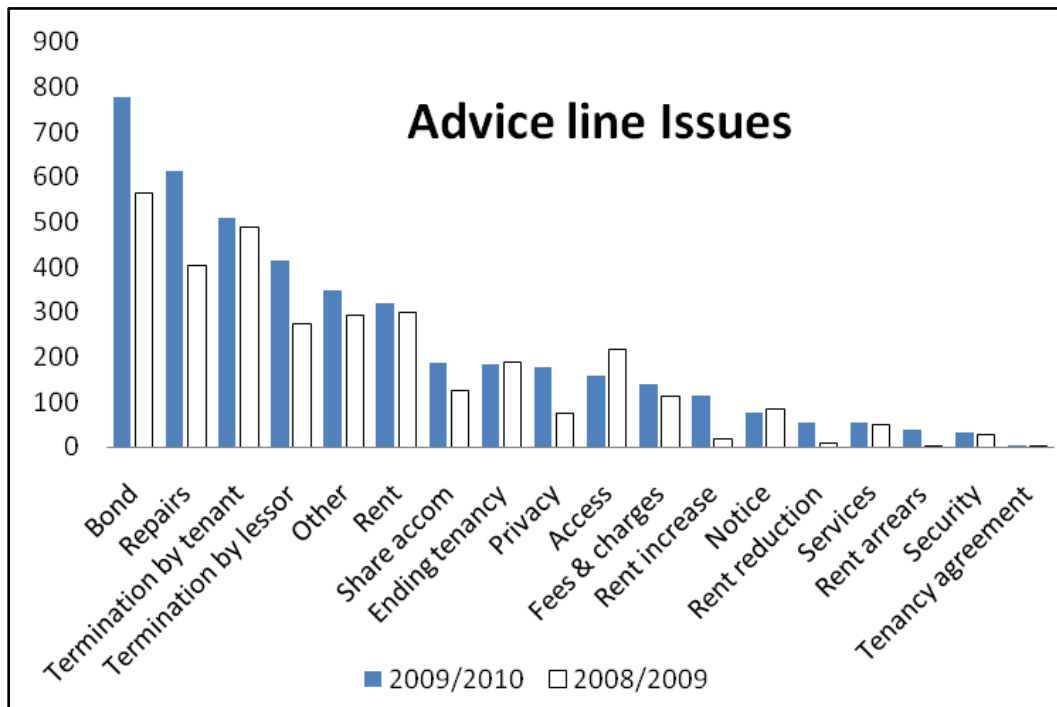
Tenure Types

Tenure Types	09/10	08/09	07/08	06/07
Private Tenancy	94.1%	96.3%	96.5%	91%
Public Tenancy	0.6%	0.2%	0.4%	0.7%
Community Housing	0.9%	0.6%	0.6%	-
Occupants & others	4.4%	2.9%	2.5%	8%

Note – TU's funding is sourced from private tenants (interest on bond). The TU does not receive any funding to provide assistance to people in other types of tenancies. The ACT Government funds Welfare Rights & Legal Centre to target assistance to people in public and other types of housing

TAS Top 4 - most common problems for tenants

	2009/10	2008/09	2007/08	2006/07
1	Bond	Bond	Rent	Rent
2	Repairs	Termination by tenant	Termination by tenant	Bond
3	Termination by tenant	Repairs	Bond	Repairs
4	Termination by landlord	Rent	Repairs	Termination by landlord



Minor assistance

Work included:

- Helping Tenants, all international students with limited English, in different tenancies with the same Lessor, get their bond back in circumstances where the Lessor as a matter of course sought to keep the bond at the end of tenancies.
- Assisting immigrant Tenants who had paid 12 months rent in advance (\$28,600) to the agent in order to secure a tenancy. The agent would not refund the excess rent paid (approximately \$20,000) upon the Tenants terminating the tenancy early. Settlement was reached whereby the Tenants got their \$20,000 back minus \$2,200 in compensation for terminating the tenancy during its fixed term and some lack of cleaning by the tenants.
- Assisting two international students with poor English who had terminated their tenancy during its fixed term. The Lessor refused to return overpaid rent and bond despite a new Tenant moving in the day after the Tenants had moved out and no damage having been caused to the premises. The Tribunal awarded the Tenants the overpaid rent and their bond.

Casework

This work comprised 20 cases including:

- The Tenant contacted TAS in tears because of the agent and Lessor's bullying behaviour during the final inspection of premises. The Lessor's claim of \$2,200 for alleged damage to the premises was greatly exaggerated but the Tenant was too intimidated to defend the matter. TAS represented the Tenant and the matter settled prior to hearing on the basis that the Tenant pay \$150 for damage to the premises.

- TAS represented a Tenant where the Lessor claimed \$1,536 (including bond of \$1,320) at the end of the tenancy. The Tenant was concerned that she was being made to pay for the Lessor's refurbishment of the premises prior to sale. The matter settled during the hearing with the total bond being released to the Tenant.
- A Lessor claimed \$4,567 (including bond of \$1,260) from young Chinese Tenants with limited English at the end of a 12 month tenancy. The claim included the total cost of replacing 5½ year old carpet. At the preliminary conference the Member urged the Tenants to give up \$900 from their bond in order to resolve the matter despite the Lessor having presented no evidence of damage and the Member having stated that the Lessor would not be successful at hearing. The Tenants rejected the proposal and contacted TAS. TAS represented the Tenants at the Tribunal. The Tribunal dismissed the Lessor's claim and ordered the entire bond be released to the Tenants.
- TAS represented a Tenant where Housing ACT sought to increase the Tenant's rent by \$70 a week. The matter settled prior to final hearing with Housing ACT accepting the Tenant's offer of a \$35 per week increase.
- TAS appealed a decision where the Tenant was ordered to pay for water consumption in respect of dual occupancy premises where there was no separate water meter for the premises despite the Residential Tenancies Act clearly stating that in such circumstances the Lessor is liable for water consumption. The matter settled at the directions hearing on the basis that the Lessor refund the Tenant all money paid for water consumption, would not seek to charge the Tenant for water in the future and would reimburse the Tenant the cost of filing the appeal (\$406). As an extra bonus the agent refunded the Tenant in the other premises the money he had paid for water consumption!
- TAS represented a Tenant on disability payments who did not read or write English and who terminated her tenancy during its fixed term to accept public housing. The Real Estate Agent unlawfully claimed one week's rent + GST + advertising costs and refused to substantiate the alleged costs or to authorise the refund of the portion of the bond not in dispute. The Tribunal ordered full refund of the bond to the Tenant.
- The Lessor sought compensation of "around \$3,000" for a Tenant's failure to vacate in accordance with the Lessor's Notice to Vacate and compensation of \$1,200 for slight damage to a bench top that was more than 20 years old, in very poor condition and damaged at the commencement of the tenancy. TAS represented the Tenant at the Tribunal because the Member had incorrectly stated that a Lessor could claim compensation where a Tenant did not move out in accordance with a Notice to Vacate. The Lessor's application for compensation was withdrawn at hearing and the Tribunal ordered the bond in full to be refunded to the Tenant.
- TAS represented a Tenant with four young children under the age of five where the Lessor was seeking to have the Tenant evicted on the basis of rental arrears. The Tribunal granted a Conditional Termination & Possession Order which allowed the Tenant to remain in her home whilst paying her rent and arrears until she could be housed by Housing ACT.

Other TU Work

Website Statistics:

	2009/10	2008/09	2007/08	2006/07*
Total hits	29,686	22,822	22,775	12,084
Total unique hits	21,741	18,519	16,915	7,991
Average hits per month	2,473	1,901	1,898	2,197

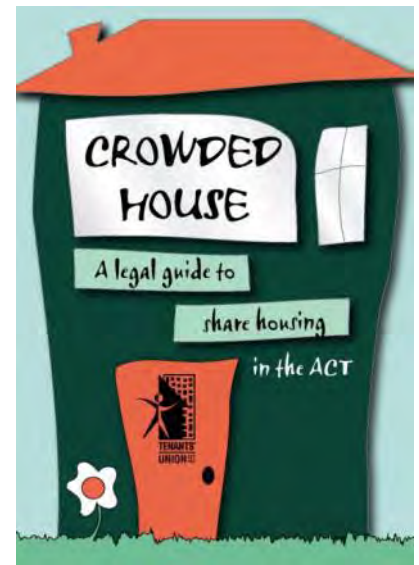
* 06/07 figures are only for the period Dec to June due to technical problems with the previous service provider.

COMMUNITY LEGAL EDUCATION:

Workshops / presentations – 12
Information stalls – 9

Tenancy kits distributed – 1,125
Occupancy kits distributed- 263
Occupancy tips sheets were revised during the year

“Crowded House” share house publication distributed – 534



PUBLICATIONS, ARTICLES & MEDIA:

This work has included the production of Tenant News newsletter and updating the DV and Tenancy manual. We produced a new

Tips Sheet - “Starting a tenancy” and the Occupancy Tips Sheets were also updated. Information is continually updated on the website (stats for the site are in the TAS stats section), a great deal of time was taken updating all TU Tipsheets on the website. Articles were produced for the Australian Law Reform journal on tenancy law reform and Shelter NSW on the “Better Lease on Life” report on tenancy law reform.



Media coverage in Canberra Times and local TV and radio, seven instances on a range of issues including – International Tenants' Day, Art Show, rent increase and rates in the ACT, multi-unit complexes and issues for tenant, general tenancy issues

ADVOCACY AND LAW REFORM

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

National Association of Tenants Organisations (State/Territory update, national issues including databases, security of tenure, rent increases); Australasian Residential Tenancies Tribunals Conference (encouraging tenants to attend hearings, demographics, natural disasters and tenancies; Vic Charter of Human Rights; addressing power imbalances; Rent Connect; student

housing; tenants experiences of private landlords vs property managers; lessons for REAs); NACLCL meeting; National tenancy network meeting; NACLCL conference – two staff attended range of sessions and meetings; Human Rights Education Training; ANU SA re Student housing issues, NATO hook-up, Human Rights education training, Office of Rental Bonds re website information and advice; attitudinal surveys re renting; ANU tenancy law training, ACT energy and water stakeholders; National Shelter (housing projects, national housing policy); National Association of Tenants Organisations (national tenancy projects, granny flats, student housing, tenancy databases, ABS stats); Federal Housing Minister (community housing, Federal intervention in S/T housing regulation, national tenancy issues); ACAT opening; National Shelter national policy platform launch; Greens MLA re tenancy issues, several meetings regarding national tenancy law project, meetings with ANU Law School re clinical program; ACT CLCs and Simon Corbell, CLC space, ACT Law Society training

Issues worked on:

Unit Titles Act; Commonwealth Inquiry into the Principles and Service Standards for new Homelessness Legislation (including SAAP occupancy regime); student housing and occupancy; development of community housing regulations; drafted ACAT tip sheet, amended rent increase tip sheet errors re formula calculation, amended pro-forma advice sheets; new Ainslie Village draft agreement; ACT tenancy statistics; National Shelter policy platform; national tenancy project development; ACAT issues; death of a tenant; rent increases; Residential Tenancy Database submission; student accommodation; unmet legal need for ACT indigenous community; standards in rental housing; ORB Procedures Manual.

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, International Tenants' Day coordinating committee, ACT Community Legal Centres, National Shelter, Youth Law Centre Steering committee, the ACT Shelter Executive Committee, Welfare Rights Board of Management and the ACT Legal Assistance Forum.

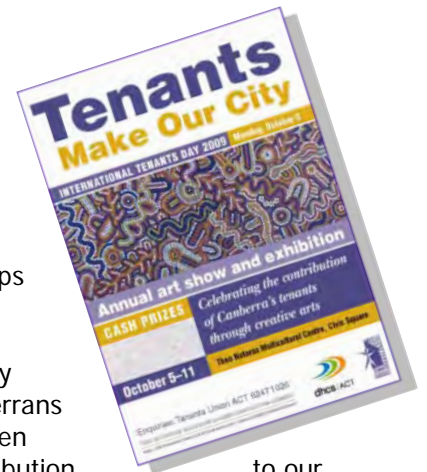
MEMBERSHIPS

We maintained memberships of related bodies, locally, nationally and internationally. We have had regular contact with the International Union of Tenants, the National Association of Tenants' Organisations, the National Association of Community Legal Centres, National Shelter, ACT Shelter and ACT Community Legal Centres.

Through these memberships we share resources and have access to a wide range of knowledge of tenancy, housing and legal issues. We also gain access to services such as the community legal centre national email bulletin board, Professional Indemnity Insurance a range of training and support mechanisms.

International Tenants' Day:

In January 2009 the TU faced the long process of co-ordinating the series of Tenancy Week events and finding supporters and participants. Once again we knew it would take its toll on our little office. This time we acknowledged that it was too much for our small team to carry. So, we decided we had to move on and have only one major event for International Tenants Day and that it would be the popular art exhibition and competition, with 2009 to be its third year. Of course tenancy information stalls, workshops and other activities continue to be offered and run throughout the year.



"Tenants Make Our City" was the ACT message for International Tenants' Day 2009 and the theme for showcasing the creativity and contributions of Canberrans living in public and community rental housing. This theme highlighted the often ignored fact that in Canberra, as elsewhere, tenants make a significant contribution to our city, its culture, its diversity and its economy. For entrants the exhibition is an opportunity to focus their creativity on an issue close to their experiences and also to display and sell works, and even win a cash prize.

Tenants' Union ACT hosted the event at the Theo Notaras Multicultural Centre in Civic. This was made possible by the essential contributions from Housing ACT, both financial and staff resources.



Justin Sankey & Mary Porter

The exhibition was open to the public throughout the week leading up to the Awards Evening. The Awards evening was a great night with MLA Mary Porter awarding the prizes. We were also joined by MLAs Meredith Hunter and Alistair Coe. Housing ACT was represented by Executive Director David Matthews. The rest of the crowd was made up of artists, their friends and family, TU members and members of the Joint Champions Group.

The Gallery was the perfect setting for the 39 entries. As in previous years the volunteer judges gave their valuable time to cast their eyes over the wide range of art works, showcasing a vast range of mediums, methods, and messages. Many thanks to Jorge Bagnini, Jenni Martiniello and Andy Heaney.



Belinda collecting her prize

The award winners were:

First prize -

"Ocean Illusion" by Justin Sankey

Second prize

"Brindabella" by Belinda McDowell

Third prize

"Filled With Life" by Rob Cowan

Thanks to all of the other artists who made this such a success:

- | | |
|-----------------------|--------------------|
| Samantha Aston | Natalie Brajkoovic |
| Dave Corthorn | June Lakatos |
| Shari Lemaire | Yuan Linaretos |
| Miranda Misnik | Sarah Morgan |
| David Oliver | Johnny Oshana |
| Dr Possum | Y Qiing Gu |
| Keith Reece | Maria Sankey |
| Vijaya Sen | Thomas R Taylor |
| And the BAC Art Group | |



Rob Cowan with Helen Merritt

Treasurer's Report

Treasurer Report 2009-2010

Income

In the financial year 2009-2010, total income received was \$366,435. Of this, the Tenants' Union received \$353,886 in funding from the ACT Department of Justice and Community Safety (DJACS). The funding amount from DJACS included a payment of \$83,200 under the 3 year contract to increase the provision of vital services by the Tenant's Union. This funding has been used to employ a full time solicitor to undertake minor assistance, casework and representation. This payment continues to be separated from the operational grant in the financial statement.

DJACS has applied ACT Government community indexation to these funds.

Other funding was generated through International Tenants' Day event funding from the Department of Disability Housing and Community Services, membership fees, donations, and income from a "DV and Tenancy workshop" conducted by the Tenant's Union.

Savings

There were operational savings with Legal Practice costs being down again, due to the in-house provision of legal supervision. However, there has been outweighed by increased staffing costs associated with the solicitor position.

Expenses

There have been a number of increases in expenses that were largely accommodated.

Phone costs increased, particularly due to a change in office systems which meant that TAS now runs a "call-back" service. The bulk of the phone calls returned are to mobile phone numbers. In order to keep costs down, new plans were explored and a mobile phone was purchased with a capped rate. While this has worked to minimise costs, some of the savings were offset by increased costs for the landline. A second mobile phone will be purchased and options explored for the most cost effective plan for phone contact with tenants.

Insurance has increased as the Tenant's Union has higher staff numbers, and has sought to engage volunteers to support the important work in providing advice.

The Board prioritised an update of its website design and functions this year. The cost of this project was partly absorbed by the surplus from the previous financial year. While the final version of the new look website is not likely to be ready until next year, this is important work that will enhance the ability of the Tenant's Union ACT to communicate with the community and meet the need for education and advice.

While rent has increased, this cost has been covered by DJACS.

Bottom Line

There was net deficit for the year of \$1,197. However, this was offset by the previous year's surplus of \$16,356.



2009-2010 Financial statement

As a staff member will be reaching 5 years employment in 2011, the TU was aware of the need, and had planned, to accrue appropriate long service leave. This decision was subsumed by the ACT Long Service Leave (Portable Schemes) Act 2009. Under the Act all community organisations must contribute to the scheme outlined below, in addition they were required to provide for and hold all long service accruals for all staff to June 30 2010.

This was reflected by the increase in the TU long service leave provisions.

In the auditor's opinion the Tenants' Union's obligations under the auditing provisions have been satisfied.

Future expenses/ issues

As always, there are some increased costs to accommodate in the 2010-2011 financial year.

It is hoped that that the operating hours of the Tenant's Advice Service will expand. This has been necessary due to the heavy and consistent demand for legal advice and assistance. It is proposed that the second part-time advice worker position, currently 20 hours per week, be increased to a 30 hour per week position. This will be revised in July 2012.

Phone costs are also likely to increase. Options, such as mobile phone plans, will be continue to be investigated.

Under a new scheme called "The Portable Long Service Leave provisions", new long service requirements have been introduced in the ACT. The scheme took effect from 1 July 2010. Now, employers must accrue the long service leave of their employees from the start of their employment rather than accruing only after several years at the workplace. This amount must be submitted periodically with an independent body for that purpose. It is designed to ensure that long service leave provisions of employees are portable through the community sector. While this will not be a substantial additional expense, it will mean that the Tenant's Union will need to make provision for long service leave for all staff at an earlier point in time. The Tenant's Union will also not benefit from the additional interest that such an amount has previously generated.

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 and Izzy Hockley for patiently answering all my questions.

Anne Macduff
Treasurer

**TENANTS' UNION ACT
INCORPORATED**

*Financial Statements
For the Year Ended 30th June, 2010*

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
Anne Macduff	Treasurer
Genevieve Bolton	Secretary
Shelagh Keith	Committee Member
Jillian Heeley	Committee Member
Helen Sexton	Committee Member
Peter Elford	Committee Member
Deborah Pippen	Staff Rep/ Public Officer

2. the principal activity of the Association during the year year ended 30 June 2010 was the provision of a tenants' advisory service.
3. the net surplus/(deficit) for the financial year ended 30 June 2010 was: \$ (1,197)
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


Committee Member


Committee Member

Dated this first day of November 2010

TENANTS' UNION ACT INCORPORATED
STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2010

2009 \$		2010 \$
	INCOME	
261,042	Grant Income - Operational	269,265
83,200	- TAS funding	84,621
5,730	Other Income	7,439
1,522	Interest	5,110
<u>351,494</u>	TOTAL INCOME	<u>366,435</u>
	EXPENSES	
1,300	Audit Fees	1,730
623	Bank Charges	719
1,932	Cleaning	1,816
365	Depreciation	1,428
1,409	Employees' Amenities & Recruitment	939
1,713	Insurance	2,906
9,609	Legal Practice Costs	2,136
2,568	Library/Memberships	2,076
2,597	Office Equipment & Furnishings	896
1,422	Postage	1,131
7,320	Printing & Stationery	5,911
4,062	Promotion	3,560
11,064	Rent	14,464
229,473	Salaries & Wages	262,939
1,392	Salaries & Wages	632
4,967	Annual Leave Provision	9,971
9,461	Long Service Leave Provision	2,000
5,178	Project Expenses	7,689
3,682	Staff Training, Conferences & Meetings	73
20,763	Sundry Expenses	23,586
3,864	Superannuation	4,345
3,480	Tenancy Week expenses	7,462
1,273	Telephone	2,828
3,326	Website/Internet	2,943
2,295	Workers Compensation Insurance	3,452
<u>335,138</u>	TOTAL EXPENSES	<u>367,631</u>
<u>16,356</u>	OPERATING SURPLUS/(DEFICIT)	<u>(1,197)</u>

THE ACCOMPANYING NOTES FORM PART OF THE ACCOUNTS.

TENANTS' UNION ACT INCORPORATED

STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2010

2009 \$		NOTE	2010 \$
	CURRENT ASSETS		
101,604	Cash	2	111,763
<u>101,604</u>	TOTAL CURRENT ASSETS		<u>111,763</u>
	NON-CURRENT ASSETS		
4,523	Fixed Assets	3	4,617
<u>4,523</u>	TOTAL NON-CURRENT ASSETS		<u>4,617</u>
<u>106,127</u>	TOTAL ASSETS		<u>116,380</u>
	LESS CURRENT LIABILITIES		
1,224	Sundry Creditors		2,071
26,755	Provisions	4	27,387
<u>27,979</u>	TOTAL CURRENT LIABILITIES		<u>29,458</u>
	NON-CURRENT LIABILITIES		
28,880	Provisions	4	38,851
<u>28,880</u>	TOTAL NON-CURRENT LIABILITIES		<u>38,851</u>
<u>56,859</u>	TOTAL LIABILITIES		<u>68,310</u>
<u>49,268</u>	NET ASSETS		<u>48,071</u>
	MEMBERS' FUNDS		
22,896	Opening Balance		39,251
10,016	Reserve for Redundancies		10,017
16,356	Operating Surplus/(Deficit)		<u>(1,197)</u>
<u>49,268</u>	TOTAL MEMBERS' FUNDS		<u>48,071</u>

THE ACCOMPANYING NOTES FORM PART OF THE ACCOUNTS

TENANTS' UNION ACT INCORPORATED

STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2010

2009		2010
\$		\$
	CASH FLOWS FROM OPERATING ACTIVITIES	
349,972	Receipts from Members/Grants	361,324
1,522	Interest Received	5,110
(328,462)	Payments to Suppliers and Employees	(354,753)
<u>23,032</u>	NET CASH (USED IN)/GENERATED FROM OPERATING ACTIVITIES	<u>11,682</u>
	CASH FLOWS FROM INVESTING ACTIVITIES	
(4,888)	Payments for Plant & Equipment	(1,522)
<u>(4,888)</u>	NET CASH FLOWS USED IN INVESTING ACTIVITIES	<u>(1,522)</u>
18,144	Net increase (decrease) in cash held	10,160
83,460	Cash at the beginning of Year	101,604
<u>101,604</u>		<u>111,763</u>
-	Represented By:	
50	Cash on Hand	50
101,554	Cash at Bank	111,713
<u>101,604</u>		<u>111,763</u>
	RECONCILIATION OF CASH FROM OPERATING ACTIVITIES TO OPERATING PROFIT AFTER TAX	
16,356	Operating Surplus/ (Deficit)	(1,197)
	Non Cash Items in Operating Surplus:	
365	- Depreciation	1,428
	Changes in assets and liabilities	
(48)	- Increase/ (Decrease) in Creditors & Accruals	847
-	- Increase/ (Decrease) in Provisions	10,603
<u>16,673</u>	NET CASH FLOWS RELATING TO/FROM OPERATING ACTIVITIES	<u>11,682</u>

THE ACCOMPANYING NOTES FORM PART OF THE ACCOUNTS.



TENANTS' UNION ACT INC.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

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.

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.

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.

TENANTS' UNION ACT INC.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

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.

TENANTS' UNION ACT INCORPORATED

NOTES TO AND FORMING PART OF THE FINANCIAL ACCOUNTS
FOR THE YEAR ENDED 30 JUNE 2010

	2010	2009
	\$	\$
2. CASH		
Cash on Hand	50	50
Cash at Bank	111,713	101,554
	<u>111,763</u>	<u>101,604</u>
3. FIXED ASSETS		
Plant & Equipment	6,410	4,888
Less Accumulated Depreciation	(1,793)	(365)
	<u>4,617</u>	<u>4,523</u>
4 PROVISIONS		
<i>CURRENT</i>		
Provision for annual leave	24,687	24,055
Provision for Relief/Locum	2,700	2,700
	<u>27,387</u>	<u>26,755</u>
<i>NON-CURRENT</i>		
Provision for Long Service Leave	23,451	13,480
Maternity Leave Provision	11,400	11,400
General Provisions/Training	4,000	4,000
	<u>38,851</u>	<u>28,880</u>


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 2010 and the trading results for the year ending 30 June 2010.
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
alf of the committee by:


Committee Member


Committee Member

Dated this first Day of November 2010

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

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF
TENANTS' UNION ACT INCORPORATED
FOR THE YEAR ENDED 30TH JUNE, 2010**

Scope.

I have audited the attached financial statements of the Tenants' Union Incorporated (The Union) for the year ended 30th June 2010. 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: 8/11/10