

EDITORIAL

JOHN PERRETT - EXECUTIVE OFFICER



Welcome to the first TAS Talk for 2009. In the past TAS Talk was issued as a hard copy on a quarterly basis. With the advantages of electronic mail the decision was taken to prepare an edition each month. Overall the content will be reduced in each edition but its relevance will hopefully be more up to date. I hope you find the information beneficial.

Memberships - late last year it was decided to realign all memberships to a common expiry date of 30th June being the end of the financial year. In the past there were a multitude of expiry dates which were messy for our staff to administer. Consequently, all memberships will expire on the 30th June 2009. There will be some winners and some losers with this new membership term, but for the low fees we charge the effect is considerably minimal.

FEATURE FOCUS

LEGISLATIVE REFORM & TENANCY DATABASES

Since 2007, the Australian Commonwealth Government has raised the profile of providing affordable housing and attempting to significantly reduce the number of homeless in our country. It has sought new and innovative ways in which funding for such projects can be achieved, without reliance entirely on the public purse. The National Rental Affordability Scheme is once such programme aimed at stimulating supply of up to 50,000 new affordable rental dwellings which will rent to eligible low and moderate income households at 20% below market rent. Greater detail on NRAS and other schemes can be found at: <http://www.fahcsia.gov.au/sa/housing/progserv/affordability/Pages/default.aspx>

The Western Australian Government continues to consider the review of the Residential Tenancies Act 1987 (WA) in which Tenants Advice Service has been extensively involved over some time. TAS will continue to follow up this review as there are a number of aspects of residential tenancy law in this State that require considerable reform to provide tenants with greater consumer protection.

The Economic and Industry Standing Committee of the State Parliament is currently holding an Inquiry into the Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia. The inquiry is considering the application of the Residential Parks (Long-stay Tenants) Act 2006 (WA) and will report on 24th September 2009.

The National Working Party on tenancy databases has been drawing up model provisions which will be released in July 2009 for public consultation. The model provisions will be sent to key stakeholders around the country for their feedback. Each state and territory jurisdiction will consider the feedback after the consultation period and make respective decisions on what action will be taken on tenancy databases after that date.

TAS will continue to follow the progress of these issues and report back.

NETWORK NEWS

INTRODUCING MATT BERRY



Matthew joined TAS as the Senior Advocate in January 2009, shortly after completing his Bachelor of Laws degree with Murdoch University and finishing part time employment as the Tenant Advocate at SCALES Community Legal centre at Rockingham.

Prior to his University studies, Matthew served in the Australian Regular Army in postings all across Australia. Serving primarily as a Cavalry soldier he finished his military career with a two year posting to the Special Air Service Regiment at Campbell Barracks, Swanbourne. Matthew settled in Perth after leaving the Army to commence his studies. Being keenly committed to the provision of social justice and equality in Western Australia is one of the key reasons Matthew chose to enter the Community Legal Services sector after his graduation from University.

Outside of work, Matthew is a passionate supporter of Victorian AFL club Carlton. He is still happily coming to terms with the fact Chris Judd now plays for his beloved Blues.



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COMMUNITY LEGAL EDUCATION CORNER

ALL THE LATEST COURSE, SEMINAR & EVENT INFORMATION

TAS offers a range of training courses on different tenancy laws and advocacy skill development. Below are some courses coming up. For more details check out the six monthly TAS calendar at the new training calendar location: www.taswa.org/trainingcalendar. As courses are popular and places are limited it is recommended you book in soon.

Case Management & Well Being	22 June 2009
Court Advocacy (Tenancy)	3,4,5 June 2009
Introduction To Courts	7 July 2009
Housing Discrimination - Making A Complaint	22, 23 July 2009

TENANCY TIPS

IS YOUR RENTAL PROPERTY UP FOR SALE?

As a result of the current economic climate and an increasing number of properties being placed on the market, it is not uncommon for tenants to learn that their rental is for sale. If the owner is looking to sell however, what does this mean for you as the renter?

As a tenant in this situation you are likely to be concerned with the possibility of being asked to leave, as well as dealing with the inconvenience of home opens and the effect they may have on both your privacy and home security. Whilst all of these concerns are valid, they can often be dealt with by communicating with the owner/property manager and selling agent to reach a resolution.

The need for you to move out of a rental property that is for sale will depend on the type of lease agreement that has been signed.

If a fixed term tenancy agreement is in place, the tenant cannot be required to leave until the full duration of the term on the agreement is reached. The new owner would also be required to honour this arrangement.

If you have a periodic lease however, then the owner may ask you to vacate the property by giving 30 days written notice. It is worth noting that having a periodic tenancy agreement does not necessarily mean you will be asked to move out of the property. Investment buyers are often keen to avoid the needless expense involved with bringing in a new tenant, and have no reason to deny themselves of the income provided by your ongoing rent payments.

Although the Residential Tenancies Act 1987 (WA) ('the Act') attempts to protect tenants during the 'for sale' period by ensuring that they only have to deal with a reasonable number of inspections at a reasonable hour after having received reasonable notice, what is reasonable will depend upon interpretation and the individual set of circumstances. You should read your tenancy agreement carefully to know where you stand as these provisions of the Act can be modified by written agreement.

Often tenants are concerned about the preparation involved with home opens. The Act clearly provides you with a basic right to privacy and quiet enjoyment which cannot be impacted upon or avoided. Selling agents wishing to take photos both inside and outside the property for use on the Internet, or advising tenants that it is not possible for them to remain on the premises during a home open may be breaching that right.

For more information or advice on your rights when the owner is selling your rental property, contact the Tenants Advice Service on 9221 0088 (metro) or 1800 621 888 (country); or visit the web site for a comprehensive range of free fact sheets (www.taswa.org).

DISCLAIMER

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