

Te Korowai Ture ō Waitākere

Waitākere Community Law Service

Community Newsletter – October 2010



He totara wahi rua
he kai na te ahi
Unity is strength

**FREE LEGAL
ADVICE**

for those most in need
Walk in Legal Clinics

1A Trading Place,
Henderson

Mon - Thurs

9.30am - 11am

No appt necessary

Northcote CAB, Ernie Mays
Street, Northcote
Mondays 10am - 1pm

FREE INFO LINE

0800 529 463

Mon - Thurs

1.30pm - 3.30pm

**TENANCY TRIBUNAL
APPLICATIONS**

The Department of Building and Housing at 295 Lincoln Road, Henderson, HAS NOW CLOSED. Tenancy Tribunal applications need to be faxed directly to Wellington, using the number on the application form. Walk-in services only available at Auckland and Manukau offices.

You can also phone the DBH's Auckland city offices on 0800 872 553

KNOW YOUR RIGHTS!

Buyer Beware: If you buy from a private individual and the item breaks down, you do not have any rights to a refund unless the seller misrepresented to you the nature of the goods.

NEW WEB SITE

We have a website - take a look!

www.waitakerelaw.org.nz

CHANGE IN THE TENANCY LAW

From 1st October 2010, amendments to the Residential Tenancies Act will come into operation (The Residential Tenancies Amendment Act 2010). A review of the RTA 1986 started in 2004 under the Labour government. The current government has finished the job, but has dismissed some of the previous recommendations. There are many small changes and some significant ones, though the main Act remains basically the same. These changes include:

- Extending the Act to cover boarding houses, providing similar, although limited, protection and obligations through Boarding House Tenancy Agreements.
- Measures to encourage landlords and tenants to comply with the Act, including a fine of up to \$3,000 for landlords providing sub-standard housing, and up to \$2,000 for tenants harassing neighbours.
- Clarifying responsibilities of landlords and tenants regarding paying for utilities.
- Clarifying what happens when a fixed-term tenancy expires. Fixed term tenancies of more than 90 days duration revert to periodic tenancies when they expire if the landlord has not given notice of ending the tenancy.
- Clarifying the process for terminating a tenancy due to non-payment

of rent and other breaches.

- Enhancements to dispute resolution, including increasing the monetary jurisdiction of the Tenancy Tribunal from \$12,000 to \$50,000.
- Improvements to the enforceability of Tenancy Tribunal orders.

Unfortunately, the government has not listened to many submitters on the Bill, who did not want property agents to be able to charge a letting fee to tenants.

Caravan Parks and the Act

The purpose of new section 5(ta) is to expressly exclude tenancies of temporary living spaces from the RTA's coverage, as temporary living spaces should never be used as permanent places of residence. However, it is considered that a landlord who was continuously renewing a series of short fixed-term tenancies would struggle to convince the Tribunal that he was providing "temporary or transient" accommodation.

Waitakere Community Law Service would welcome cases to test in the Tribunal.

New information material and forms

The government's Department of Building and Housing (DBH) has revised its RTA introductory booklet for landlords and tenants, and are also working on an improved application form for the Tenancy Tribunal.

Community Law Centres National Hui 2010

A "Voice for Justice" provided the theme for this year's Community Law Service annual Hui held in Rotorua. This year's hosts, Rotorua and Canterbury provided us with a line up of inspirational and thought provoking speakers over the three days.

The first part of day one focused on changes which will impact on Community Law Centres (CLC) as we move from the Legal Services Agencies into the Ministry of Justice. Dame Margaret Beazley's Legal Aid Review highlighted a number of changes and challenges which will influence how CLCs deliver their services in their communities. The workshops in the afternoon provided conference attendees with a greater awareness of the issues which individuals face at both an international and grassroots level. These consisted of: access to justice and skills for WINZ reviews, medical and social security appeals board, the impact on refugees entering Australia, Domestic Violence (Police Safety Or-

ders), Girls in Gangs, Immigration and Domestic Violence, law related education, successful employment mediation skills and the Easy Project (Youth Law's training partners to support local youth workers)

Our second day started with a powhiri at Te Pakira Marae, Whakarewarewa, which provided attendees with a wonderful venue for our second day and set the scene for us to hear from inspirational speakers such as;

- Hon Dr Pita Sharples (Key note speaker) - *Maori and the Justice System*
- Professor Patrick Dobson (from Broome, Western Australia and a pre-eminent Aboriginal leader) - *Justice in Australia - thinking globally*
- Christine O'Brien - *Restorative Justice in Schools*
- Kim Workman - *Rethinking Crime and Punishment*
- Judge Denise Clark & Judge Louis Bidois - *Te Kooti Rangatahi Courts (Youth Courts) on Marae*

The mood of the conference challenged CLCs to explore ways to address justice issues, in particular the underlying drivers which impact on people's lives. The Coalition of Community Law Centres Aotearoa Inc., including the coalition's Maori caucus, provides the mechanism to raise awareness at a political level and to advocate at a national level. At a local level, WCLS will explore ways for us to address these issues through law reform, legal education and community forums/workshops. The utilisation of a community development approach will enable us to bring various stakeholders together, ignite that collective passion for justice that "westies" are known for, and continue to make a difference for those who do not have access or a voice for justice. It was without a doubt that individuals who work in Community Law Services are extremely passionate and committed to addressing social justice issues.

RELAUNCH OF TENANCY INFORMATION AND ADVOCACY SERVICE

Waitakere Community Law Service is very pleased to announce that we have been successful in obtaining funding, from NZ Lottery Grants Board and United Way, to continue the successful tenancy information and advocacy service.

We can provide information on basic tenancy law, advise on any course of action, advocate to the landlord, and help tenants compile evidence for Tenancy Tribunal applications.

We also offer the following services:

- **TENANCY HOT LINE** - Community organisations can contact our tenancy services coordinator at any time to make queries about tenancy issues for their clients.

- We can arrange education in tenancy law, for community organisation staff, as well as clients and members of the general public.

In addition we help to lobby for improvements in housing standards and landlord practice in the rental sector, particularly those effecting poorer households. The Tenancy Project has links to Waitakere Housing Call to Action, a network of housing, health and social service organisations working in Waitakere.

When: Access to tenancy advice is through our usual legal clinics, 9.30am - 11am, Monday to Thursday. Please contact **Sigrid Shayer** Coordinator, on 835 2130 for further information.

OUR SERVICES

Legal Information, advice and assistance. - this includes:

- Writing letters and phoning
- Drafting and witnessing official documents
- Negotiation and mediation

Tenancy Advice and Advocacy

Advice through the legal clinics, plus education, advocacy and lobbying.

Community Mediation project

where clients are offered free mediation services by a LEADR accredited mediator to resolve legal disputes.

Legal Education

Legal education can be delivered to organisations and the public.

OUR STAFF

WCLS employs: a Manager, 4 Lawyers (1 f/t and 3 p/t), p/t Projects Officer, p/t Office Coordinator, p/t Tenancy Advocacy Service Coordinator & a p/t Legal Education Coordinator and p/t receptionist.