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15 December 2009

Principal Policy Officer  
Residential Tenancies Bill 2009-12-02  
Fair Trading Policy Division  
Department of Services, Technology & Administration  
PO Box 972  
PARRAMATTA NSW 2124

Dear Policy Officer,

I write to you on behalf of the members of the National Association of Charitable Recycling Organisations, to lodge an objection to clause 130 (2) (a) of the proposed Residential Tenancies Bill 2009.

The National Association of Charitable Recycling Organisations (NACRO) is the peak body representing charitable recycling organisations throughout Australia. NACRO represents its members and has collective influence at local, state and national level.

The business of NACRO members is to generate social capital to fund welfare programs through recycling and reuse activities.

Every day and in every State of Australia charities assist tens of thousands of people through home visitation, migrant and refugee assistance, hospital and health services, prison visitation, aged care services, supported employment services for people with an intellectual disability, education for disadvantaged children, welfare assistance, hostels for the homeless, overseas relief, disaster recovery, budget counselling and youth programs and suicide prevention counselling. We feed and clothe Australian men, women and children overwhelmed by life's hardships.

NACRO members range from the largest national charities to individual shops. Collectively, they operate thousands of opportunity shops around Australia, many of which are operated by volunteers.

Clause 130 of the proposed Residential Tenancies Bill 2009 calls currently reads as follows:

- 130 Disposal of non-perishable goods (other than personal documents)*
- (1) The landlord or landlord's agent may dispose of goods (other than personal documents) in accordance with this section if the former tenant or other person entitled to possession of the goods fails to collect or make arrangements to collect the goods within 14 days of a disposal notice being given in accordance with this Division or within such further period as may be agreed.*
- (2) The landlord or landlord's agent may dispose of any such goods as follows:*
- (a) by donating them to a charitable organisation,*
- (b) in any other lawful manner (including sale) that the landlord thinks fit.*
- (3) The landlord or landlord's agent must keep a written record of goods disposed of under this section.*

Given that our members reason for being is to help the poor, sick and disadvantaged, the proposal for landlords to use charities as a dumping ground for the belongings of tenants who are most likely, down on their luck, is the antithesis of our members existence.

The proposal could lead to unlawful donations by unscrupulous landlords and will place charitable volunteers as the arbitrators of legal and/or illegal donations as dispossessed tenants (and their families) seek to regain their possessions. It has the possibility of involving charities in legal disputes with those in the community they seek to assist.

We've also no doubt that the proposal will lead to dumping as landlords attempt to avoid and/or pass on "pay-as-you-throw" charges for the use of a local dump or transfer station. The charities will subsequently incur the additional costs of sorting, transporting and paying for unwanted landfill fees.

A further consequence is that the charities will subsequently be called on to supply lodging, clothing and household goods to those who have been displaced and dispossessed.

We are disappointed that NACRO and/or its members were not consulted in the process of drafting the Bill.

NACRO and its members insist that clause 130 (2) (a) of the proposed Residential Tenancies Bill 2009 be deleted.

I look forward to your response indicating that the proposed Bill, when introduced into the NSW Parliament, will not include the proposed clause 130 (2) (a).

Yours sincerely

A handwritten signature in blue ink that reads "Kerry Caulfield". The signature is written in a cursive, flowing style.

Ms Kerry Caulfield  
Executive Manager