

## **Did we share the spirit? one year after the Sydney 2000 Olympic Games.**

The Sydney 2000 Games were promoted as a golden opportunity for business, employment and tourism. Now Sydney is left with a massive stadium complex facing bankruptcy, an over-abundance of unaffordable housing units, an inflated rental market, laws banning homeless people from sleeping rough in some areas and no amendments to our inadequate housing legislation.

As Sydney-siders were asked to 'share the spirit' of the Games, serious concerns remained about the lack of legislative protection for the local community, in particular housing rights. While happy to introduce a number of Olympic laws, legislators refused to increase protection against eviction, rent increase and criminalisation of the homeless.

Under the UN Convention on Economic, Social and Cultural Rights, each member State (Australia signed up in 1973) must ensure laws and policies are in place which guarantee all citizens the right to adequate shelter. Across Australia this guarantee is a hollow promise and the impact of the Olympic Games has highlighted the serious shortcomings of federal and state legislation.

### **No protection against arbitrary eviction**

There are no tenant laws that guarantee tenants security of tenure in any State in Australia. Since 1989 in NSW, it has been possible to evict a tenant for no reason with 60 days notice.<sup>1</sup> This blatant lack of security of tenure is a fundamental breach of the International Covenant.

Moreover, rent increases are often a reason for a tenancy to be relinquished because the tenant cannot afford the amount of the increase. Currently there are no laws regulating rent levels in Australia, leaving all tenancies potentially insecure. There is no legislative control on the amount rent can be increased. In NSW a landlord can increase rent with 60 days written notice. If a tenant wishes to contest a rent increase, they have the onus of proving that the rent is excessive in comparison with the market.<sup>2</sup> If the increase isn't 'excessive' in the current market climate, it cannot be reviewed. The Games definitely lead to an inflated rental market – some reformers hoped for changes to the Residential Tenancies Act transferring the onus of proof of excessive rent increase to the landlord/real estate agent; but government had other ideas.

### **Rising rents**

Traditionally Australians have opted for home ownership as their favoured form of housing. Increasingly however, tenancy is becoming a long term housing option, with a large number of people renting for ten years or more. Currently, 31% of NSW residents are tenants.<sup>3</sup>

Rents are monitored quarterly by the Department of Urban Affairs and Planning, based on the information on new tenancies collected by the Rental Bond Board. In the late 1990s this data shows that rents increased in Sydney by 5% per annum, and 3% for NSW. However, the reports for March, June and September of 1999 brought bad news for tenants, showing that the increases in the Olympic corridor and out to Bondi were as high as 25%. Sydney was already the most expensive city in Australia to live in, with rents 40% higher than Melbourne.<sup>4</sup> More recent rent reports from DUAP and the Real Institute in 2001 show rents still increasing in some areas by up to 11%. The end result is that the average family on an average income cannot afford the rents in Sydney, particularly any 2 bedroom units in the inner ring suburbs.<sup>5</sup>

A report commissioned by the Department of Fair Trading prior to the Games predicted that rises in rents may be caused by the Olympics but would only be a speed up of the normal effects of development. Most government and real estate lobbyists predicted that any rise in rents would return to pre-Olympic levels anyway. However, as predicted by Rentwatchers and Redfern Legal Centre, rents did not drop after the Games. In fact, a recent article in a local paper quotes the president of the Real Estate Institute of NSW, Chris Fitzpatrick:

Wages have not grown fast enough to keep up with the growth in rents and as a result, the rental affordability of Sydney Residential properties fell during the March Quarter (2001). Given the substantial growth in housing development over the last few years, particularly during the Olympics, the value of rent paid by a substantial number of Sydney residents has increased.<sup>6</sup>

### **Predicted impacts come true**

In 1999 Shelter NSW commissioned a report on the impact of the Olympics on Sydney's housing situation called *Ready, Set, Go*. It highlights concerns about the impact of the Olympics on rent increases, evictions and harassment of the homeless. These impacts included:

- accelerating processes of urban change, especially gentrification;
- pressure on the private rental market, including increased rents and conversions to other uses;
- conversion of boarding houses to tourist accommodation;
- displacement of low income tenants;
- event site development displacing existing residents;
- increased house prices;
- crowding out of affordable housing investment; and
- harassment of homeless persons.

The report noted that many of these effects reflected pre-existing trends, but that the Olympics accelerated or exacerbated these trends.<sup>7</sup>

Sydney experienced most of these impacts except event site development displacing existing residents because the main sporting facilities were built on the toxic post-industrial wasteland called Homebush .

So the legacy of the Games are:

Accelerated development: increased evictions of low and middle income tenants

Increased rents

Conversion and permanent loss of boarding houses

Decreased housing affordability, especially in the inner ring suburbs

Some harassment of homeless people and legislation increasing police powers

### **No protection for boarders and lodgers**

Boarders and lodgers do not have specific legislative rights. They hold common law license agreements. Boarding house tenants are specifically exempted from protection under the *Residential Tenancies Act 1987* and can be evicted with no notice or right to a hearing at a Tribunal. Rent can be increased with little or no notice. In 1991 the NSW Australian Labor Party made a commitment to introduce legislation to protect boarders and lodgers<sup>8</sup>. Ten years later there is still no legislation in place.

In the lead-up to the 1998 Bicentennial over 5,000 low cost rooms were lost across the inner city through conversion of boarding houses to cheap backpacker accommodation or expensive units. The Bicentennial was the size of a school concert in comparison to the Olympic Games. The number of affordable housing units lost due to the Olympics is yet to be estimated, however, all inner metropolitan tenants services reported hundreds of boarder and lodger eviction cases. Despite the evictions and the highly vulnerable position of the boarders and lodgers the State Government has still refused to put legislative reform on the political agenda.

### **Criminalisation of the homeless**

There has been a massive increase in homelessness in Sydney since 1994. Inquiries to the Homeless Persons Information Centre more than doubled over the past five years and currently stand at around 28,000 per annum.<sup>9</sup> At the same time the number of emergency accommodation beds has decreased over the past six years.

If you are homeless in Sydney, you may have little choice but to sleep on the streets or in parks. However, a whole raft of new laws were introduced which will have a direct effect on homeless people and other people who utilise public space. In 1998 amendments to the *Summary Offences Act 1988* were introduced allowing police to search people "suspected" of carrying a knife and to move on gatherings of 3 or more people.<sup>10</sup>

In the 2 years before the Games a raft of legislation was passed which have sever impacts on the homeless and the use of public space. A number of local government

ordinances introduced in 1999/2000 control the movement of homeless persons in the inner city. New policing practices in the inner city targeted homeless people moving them off the streets.<sup>11</sup> Police in the Surry Hills/Darlinghurst areas were apparently given a directive to move "vagrants" off the streets before the Games.

Local councils across Sydney also introduced large numbers of "alcohol-free" zones. If a person is found drinking in a designated "alcohol-free zone" they can be issued with an on-the-spot fine and have their alcohol confiscated.

The NSW Government then introduced a number of laws to cover the Olympic period but the *Sydney Harbour Foreshore Authority Regulation 1999* has no sunset clause. This regulation empowers council workers, and other enforcement officers, to move on homeless people or remove them for camping in areas traditionally used as shelter.

Amendments to the *Intoxicated Persons Act 1979* were pushed through the NSW Parliament in August 2000. These amendments revised the procedures relating to the care and detention of intoxicated persons, to extend that Act to persons affected by drugs and for other purposes.<sup>12</sup> The principal changes to the procedures under the Act are as follows:

- (a) intoxicated persons will no longer necessarily be taken to proclaimed houses to be held and cared for till they are no longer intoxicated;
- (b) a person found intoxicated in a public place can be detained by a police officer, who will be required to release the person into the care of a responsible person or
- (c) if a responsible person cannot be found and it is impracticable to return the intoxicated person home, the intoxicated person may be detained at a police station or at an approved juvenile detention centre.

While these amendments were initiated to give authorities greater control over rowdy revelers during the Games, they remain in force today and allow greater control over the homeless and other street dwellers.

The combined impact of anti-homeless laws, Olympic hot spots and alcohol free zones has made many public areas frequented by the homeless out of bounds. At the 1996 Olympic Games, in Atlanta, 9,000 homeless people were wrongfully arrested luckily this did not happen in Sydney. Increased harassment of young people took place in the months prior to the Games, but the development of the homeless protocol<sup>13</sup> and pressure from groups such as Rentwatchers ensured harassment was kept to a minimum<sup>14</sup>.

## **The legacy**

Despite promises from government that the Olympic Games would not impact in a negative way on its more vulnerable residents, it clearly did. Now Sydney is a city

scarred by ugly, expensive high-rise apartment blocks with views of a unprofitable stadium complex and the homeless with less access to public space have more laws to control their movements. While rent increases take renting affordability to a new low government refuses reform tenancy law or protect boarders and lodgers from arbitrary eviction.

Clearly the impact of the Sydney 2000 Olympics on the rights of the local community did violate international human rights law. This is hardly the 'spirit of the Olympics' in which we all hoped to share.

---

<sup>1</sup> s58 Residential Tenancies Act 1987

<sup>2</sup> ss45-48 Residential Tenancies Act 1987

<sup>3</sup> Department of Urban Affairs and Planning, Housing Indicators Report, 1998, p5

<sup>4</sup> Real Estate Institute of Australia, 1998

<sup>5</sup> DUAP Rent and Sales Report June 2001 and REI Economic and Property Review, June quarter 2001.

<sup>6</sup> Inner Western Courier 20/8/01

<sup>7</sup> G Cox et al, Ready, Set, Go, Shelter NSW, September 1999

<sup>8</sup> Australian Labor Party, ALP Housing Strategy—A statement of principles, 1991

<sup>9</sup> ABS: Counting the Homeless: 1996 and Sydney Morning Herald 3/11/98

<sup>10</sup> Summary Offences Act 1988, ss11A-E, ss22A-G

<sup>11</sup> Daily Telegraph, 21/9/98

<sup>12</sup> Ibid.

<sup>13</sup> The homeless protocol: A code of practice for how police, security, Council rangers and other Olympic Co-ordination Authority officers, who are working out of the 6 Olympic Live Sites in the CBD, should address street homeless people; and an assistance and referral service to be operated by homeless persons workers specifically engaged by Sydney City Council. The Protocol stated that homeless people should be left alone, except where they requested assistance, were acting in a way which made themselves a danger to themselves, or others; and that no police or other officers should attempt to move a homeless person without first contacting the Sydney City Council outreach team.

<sup>14</sup> A census undertaken by Shelter NSW, Counting the Street Homeless, Week 4, September 2000.

The comments of five men in their thirties are indicative of the critical remarks of other men in their age bracket: "They're still treating us like shit. The cops are hassling us daily with warrant checks; "There have been changes to the law with our loss of rights as citizens;" "If you're not dressed right they seem to hammer you. Over many years I've been pulled over three times, and its happened twice in the past few weeks;" "They're not doing their job properly, they're becoming worse, more aggressive;" and "You're strip-searched, they treat you like shit, worse than before but no one does anything" – excerpt from Hazel Blunden *the Impact of the Olympics on Housing in Sydney* – unpublished.