

# Outasite Lite



*Margaret Reckless outside her new pod home in Wollongbar village. Photos by Rebecca Rushbrook.*

## MARGARET RECKLESS FACES FURTHER CHALLENGES

*By Eloise Parrab*

**The Tenants' Union of NSW has been following and supporting Margaret Reckless' fight for her rights in the residential land lease community she has lived in for the past six years. Over that time she has had some great wins which have led to positive outcomes for many other residents living in land lease communities across NSW.**

In January 2019 in *Outasite lite* 33 we published an article about Margaret's battle against the operator of her community who were overcharging for electricity they were supplying to residents through an embedded network. Margaret took the matter all the way to the Supreme Court of NSW and when the matter returned to the NSW Civil and Administrative Tribunal the Reckless method for calculating electricity charges in an embedded network in residential land lease communities was born.

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In our 2020 *Outasite* magazine we wrote about the latest battle over electricity charges with many operators outsourcing electricity supply within their embedded networks to the retailer Hum Energy. Margaret was one of the impacted residents and as a result of the operator's decision was facing very large electricity price increases. Margaret took a stand on this issue and refused to accept a transfer to Hum. In *Outasite 2021* we wrote about two notices of termination for breach which were served on Margaret by the operator which she disputed as retaliatory in the Tribunal.

Sadly in August 2021 in our *Outasite lite* 40 we had more to report on Margaret's situation and we outlined the latest challenge facing Margaret with her operator obtaining development consent to develop the site which included removing Margaret's home to facilitate a new access road in the community. At the time we wrote the article it was unclear when the operator would commence this work.

We were very sad to hear that Margaret's home in Ballina Waterfront Village & Tourist Park was inundated with flood waters on the 1st March 2022. Margaret lost all her possessions including her car in the floods. At 6.20am Margaret received a text message informing her she needed to evacuate the community by 7am due to rising flood waters. With such little time all Margaret could grab was some important paperwork and she walked out the door of her home. As her car would not start she needed to get a lift from a neighbour to the evacuation centre at the Bowling Club in Ballina.

The next six months saw Margaret move between caravan parks, motels and hotels. All up Margaret moved seven times to different emergency accommodation after she spent the first night in the evacuation centre. One month was spent at the Rydges Hotel on the Gold Coast. Margaret and many other people impacted by floods were bused up to the Gold Coast as school holiday bookings meant accommodation was scarce in the Northern Rivers area in April. Margaret wonders what the overseas travellers staying at the five star hotel must



*Margaret Reckless and her new pod home in Wollongbar village.  
Photos by Rebecca Rushbrook.*

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have been thinking as the Northern Rivers flood impacted residents stepped off the coaches with all their belongings in plastic bags. Despite it being a nice hotel it was not an easy place to stay for the month. There were no cooking facilities and they were nowhere near any shops. Margaret had to travel to Tweed to go to the shops or buy food at the airport which was expensive.

After many more moves to different motels Margaret was offered a two year lease on one of the new pods that were placed at Wollongbar in response to the accommodation crisis caused by the floods. The site is about 20 minutes from Lismore and currently is home to approximately 150 people plus their pets. The pods are managed by North Coast Community Housing. Margaret says her new home is lovely and everything is brand new, "It's a lovely community where everyone is in the same boat and close bonds are being formed." The onsite staff are actively helping to build the community by providing a community garden, children's playground, pancake days and regular bbqs.

Unfortunately the move into the pod has not gone smoothly for Margaret. On the second night of living in the pod Margaret went out for a walk at dusk. The area where the pods have been placed is still under construction and important safety features were missing with no external lighting or markings on the walkways. Margaret walked off the edge of some steps and smashed her arm into a concrete bollard. As a result of the fall Margaret has broken her wrist and it's been in plaster for six weeks. This has impacted her ability to get around as she cannot drive and has therefore made her more isolated and reliant on others to access services.

With many elderly people moving into the pods not having safety issues attended to is a big concern of Margaret's. The day after Margaret's accident portable tower lights were brought in to light up the streets and plastic reflective strips have been installed on the street where she fell. The staff on site have been wonderful and have been checking on her since the accident.

It's been a very long road for Margaret since the 1st March 2022. Margaret feels like many elderly people impacted by the floods, that she has lost her dignity and independence. She is very grateful for the evacuation centres and donations she has received. Without this help she is unsure of what would have happened to her. She even needed the basics, like toiletries, as when she

left her home there was no time to pack a bag. Margaret says charitable organisations left the government for dead in their response to the floods. The charitable organisations were there at the coal face with vouchers for residents to go and buy clothes and groceries. It's these things that make it easier for people to exist while living in emergency accommodation.

Margaret is very grateful that she survived the floods as many lost their lives. Being able to stay in the pod for the next two years is comforting, as so many people are homeless and many living in cars. What happens at the end of the two years is unclear at this stage.

Margaret is now faced with the task of what to do with her damaged home. Her home was not insured and she is currently waiting for a report from the government appointed assessors. The operator of her land lease community has not had any compassion for the predicament of Margaret and other residents in the community. The only abatement of her site fees she has received since the flood is \$22. Margaret has paid full site fees for the past six months for a home that is currently uninhabitable. It is currently a ghost town in the community with all homes impacted by flood water apart from one home owned by the operator. The majority of the 70 home owners were not insured. A couple of home owners have been able to get their homes fixed but most have not moved back. Margaret has heard from other residents that it is very difficult to get tradies or tradespersons and materials and any qualified tradesperson doesn't want to work in the community due to the reputation of the operators.

Margaret has not lost her fighting spirit in standing up for the rights of residents in land lease communities. She says there needs to be an amendment to the *Residential Land Lease Communities Act 2013* to ensure home owners get proper site fee abatement when sites and homes are damaged in a flood. Currently the abatement of site fees is only when the site is wholly uninhabitable and it doesn't take into account whether the home is habitable after natural disaster events.

Margaret remarks that she has been through a lot for someone of her age and we 100% agree and are in awe of her ability to overcome all these events! We are hopeful that Margaret can spend the next two years getting back on her feet and that life is a bit quieter for her. ●



# ELECTRICITY IS A HOT TOPIC BUT LITTLE HAS CHANGED FOR RESIDENTS IN LAND LEASE COMMUNITIES

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*By Eloise Parrab*

**There have been a number of consultations, reviews and inquiries into electricity in NSW over the past couple of years. The Tenants' Union provided submissions to a number of these inquiries raising the numerous issues that are impacting renters in NSW around electricity.**

A couple of months ago Eloise Parrab (Land Lease Communities officer) and Jemima Mowbray (Policy & Advocacy manager) from the Tenants' Union were invited to be witnesses at the NSW Government Law and Safety Committee Inquiry into Embedded Networks in NSW. In our submission and at a parliamentary hearing we put forward to the committee the issues and problems faced by residents living in residential land lease communities where they have embedded networks. We made recommendations on how to resolve these issues.

As many of you would be aware, living in a residential land lease community with an embedded network brings with it many problems. An embedded network is a private electricity network, though you can also find similar embedded network arrangements for the provision of hot and chilled water. The person or entity providing the electricity (or other energy or utility) buys it in bulk from an energy provider and then they on-sell the electricity to residents. Particularly for residents in residential land lease communities this can mean that your electricity supplier is also the operator of your community.

The operators of embedded networks are known as exempt on-sellers, they are not an authorised retailer and are not subject to the same requirements as authorised retailers in providing energy. This has led to a situation in NSW where consumers in embedded networks do not have the same level of protection and service as those not living in an embedded network.

Safety and supply issues are very common experiences for residents on embedded networks. The amount of amperage (how electricity current is measured) that can be provided to a resident depends on the quality of the infrastructure of the embedded network. Some residents receive low amperage and can only use a limited amount of electricity at one time (for example, the resident may not be able to run a toaster, microwave and air conditioning unit all at the same time).

***“Safety and supply issues are very common experiences for residents on embedded networks”***

There are some communities where older parts are on embedded networks and in the newer sections residents have accounts directly with energy retailers. In one community on the Central Coast of NSW there are two very different experiences depending on whether you live in the new or old part. There are vast differences in both level of supply available and amount spent on electricity by residents living in these two sections of the one community. There are 120 homes in the old part of the community where they have their electricity supplied to them through an embedded network. The infrastructure includes old and rusty electricity ‘mushrooms.’ Some homes are connected to these mushrooms in turn with extension cords.

The residents in the old part can only get 32 Amps which impacts on their daily life. If they have multiple electrical appliances plugged in at the same time the power supply cuts off. When heating or cooling their homes with an air conditioner residents have to make a decision on what other appliances they need to disconnect.

In the older part of the community residents cannot shop around for a better deal on their electricity and their bills are more expensive than other residents living in the newer part of the community who can shop around for the best rate.

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The report from the NSW Government Law and Safety Committee Inquiry into Embedded Networks was tabled in NSW Parliament in early November 2022. The Committee has made a number of recommendations that if implemented will positively impact on residents in land lease communities. They include that the NSW Government:

- implement measures to ensure that network infrastructure, particularly in residential land lease communities, is maintained and upgraded where necessary to ensure the safety of and reliable supply to residents, including the consideration of the potential cost consequences for residents.
- ensure there are appropriate requirements to disclose embedded network services to a potential owner or tenant before they purchase or lease a property in an embedded network, including requiring real estate advertisements to disclose the average recurring costs of all services provided to that property through an embedded networks (for example, the sale of hot or chilled water).
- work with the Australian Energy Regulator and the Energy and Water Ombudsman NSW to ensure exempt entities become members of the Ombudsman.
- urgently implement the recommendations of the 2021 statutory review of the *Residential (Land Lease) Community Act 2013* relating to the charging of electricity in embedded networks.

You can find the complete report here

<https://www.parliament.nsw.gov.au/ladocs/inquiries/2873/Report%20-%20Embedded%20Networks%20in%20New%20South%20Wales.pdf>

The cost of electricity is becoming an increasingly difficult issue for many residents in land lease communities as the prices increase for those that are in embedded networks and those who choose their own retailer. Understandably home owners are wanting to turn to Distributive Energy Resources (DER) in particular solar energy to reduce their energy bills and their household's contribution to climate change. The NSW Government has introduced a new rebate system for eligible residents under the Bill Busting program. The Energy Bill Buster program will allow eligible households to receive the equivalent of up to 10 years' worth of rebates in an upfront lump sum contribution towards a free solar system or home appliance upgrade. For further information



Old, rusty electricity 'mushrooms' in a land lease community.

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on the scheme <https://www.energy.nsw.gov.au/households/rebates-grants-and-schemes/rebate-swap-solar-and-energy-efficient-upgrades>

It's proving to not be so straightforward a proposition for home owners living in land lease communities and even more difficult for those in embedded networks. Many homes do not currently have a connection that is capable of accommodating a solar system without a substantial upgrade, both to the residence and to the connecting community infrastructure. In addition, multiple residents with solar systems operating at the same time may have an impact upon the community connection to the surrounding network. This could result in requiring the community operator to upgrade the connection infrastructure or move onto a different connection arrangement.

Home owners wishing to install solar panels on their roof need to seek permission of the operator as it's an addition to their home. The Tenants' Union has heard from home owners whose requests have been refused by the operator. They often cite that the infrastructure cannot handle solar energy being fed back into the system or that a home owner will have to pay thousands of dollars to upgrade the infrastructure. It's difficult to work out whether these reasons from the operator are correct, especially in communities where there are other homes which have had solar panels for many years.

In some communities solar panels have been installed on community facility buildings by the operators and it doesn't make sense to home owners when their request to install on their own home is refused. This is not something that individual home owners should have to be grappling with and trying to understand the complexity of the infrastructure issues involved. In their submission to the Embedded Network Inquiry, the Public Interest Advocacy Centre (PIAC) recommended that NSW Department of Customer Service work with the NSW Office of Energy and Climate Change to initiate a process to develop a suite of recommendations enabling the implementation of sustainability infrastructure in land lease communities. Such a process should engage with energy networks, and resident and consumer stakeholders, to identify opportunities to use DER to improve community resilience, independence and long-term financial sustainability. The Tenants' Union is very supportive of this recommendation.

If you have requested permission to install solar panels on your home and been refused by the operator then you have the option of pursuing the matter at the NSW Civil and Administrative Tribunal (NCAT). You would need to present evidence to the Tribunal to show that the operator has unreasonably refused your request. Before you go down this path we encourage you to seek advice from your local Tenants Advice and Advocacy Service, details below. Unfortunately there are no published decisions from the Tribunal which have looked at the issue of solar panels and a home owner's request to make this addition to their home (requiring community operator approval) under the *Residential Land Lease Communities Act 2013*.

Eloise Parrab has recently been appointed a member of the Customer Advocacy Group for Essential Energy. They are one of the three NSW electrical distributor companies and cover the majority of Country NSW, Northern NSW, Southern NSW and North Coast.

The role of the Customer Advocacy Group is to be a proactive forum for consultation and to provide insight and feedback to Essential Energy on behalf of Essential Energy's customer base, on any matters relating to the supply of electricity and associated services. Access to solar power in land lease communities is an issue that Eloise will raise with Essential Energy. She is keen to hear from residents living in the areas covered by Essential Energy of issues they currently face relating to the supply of electricity and associated services. Please get in touch with Eloise on 8117 3700 or by email [eloise.parrab@tenantsunion.org.au](mailto:eloise.parrab@tenantsunion.org.au)

A lot of consultation has also taken place about electricity including charges, billing and invoicing in land lease communities on embedded networks as part of the five year Statutory Review of the *Residential Land Lease Communities Act 2013* but to date we have not seen any of the recommendations from the Review translate into amendments to the legislation.

So far we have seen lots of talking and consulting on the issue of electricity but there has been little in the way of actual meaningful changes. Hopefully 2023 will see less talk and more action in improving the situation for residents in embedded networks and generally giving home owners in land lease communities more choice in the type of energy resources they use to power their home. ●



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