

STREET RIGHTS



NEWSLETTER OF THE PILCH HOMELESS
PERSONS' LEGAL CLINIC

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Homelessness Consumer Forum: Ideas for a Way Forward

On Tuesday 24th June, the HPLC held a Consumer Forum on homelessness at the Melbourne Town Hall. The aim of the Forum was for people who have directly experienced homelessness to have their say about what the Government should be doing to solve homelessness in Australia. All six members of the HPLC's dedicated Consumer Advisory Group were there to offer their support, help, encouragement, ideas and experiences.

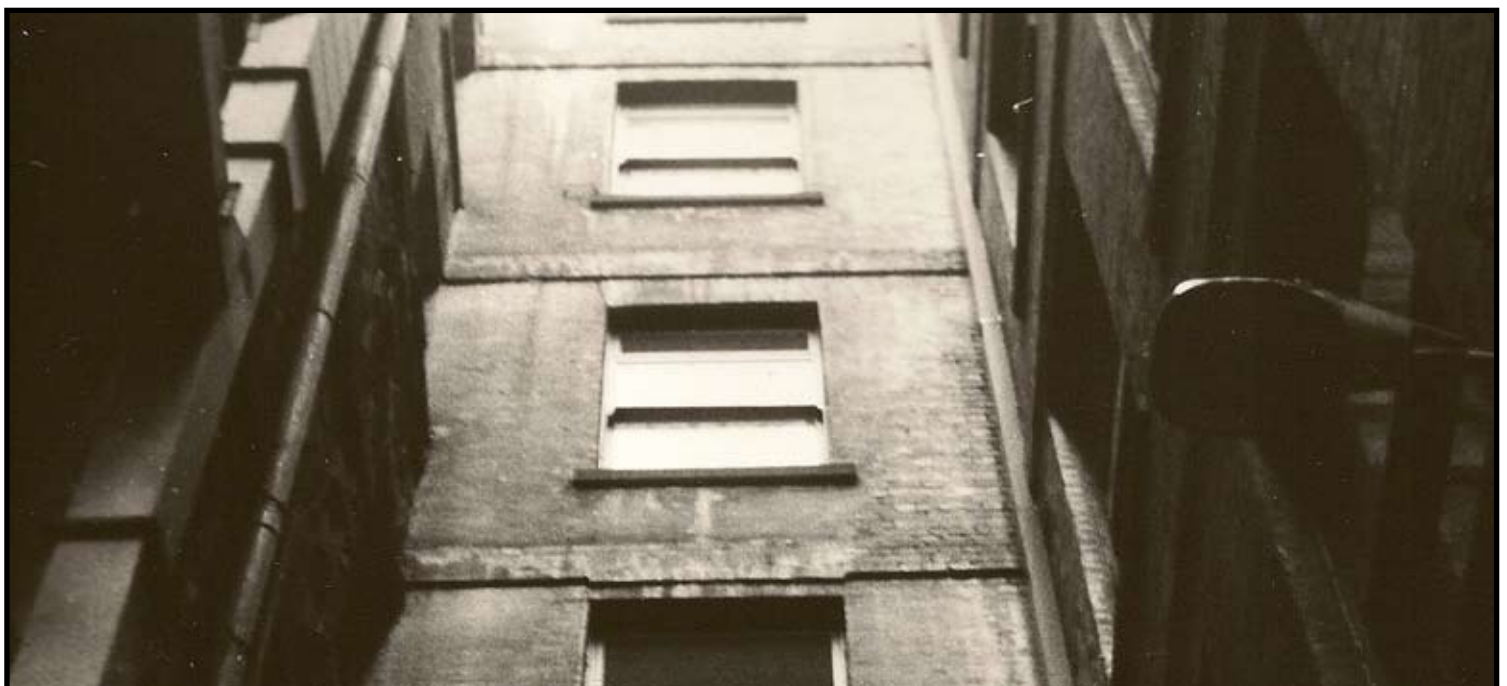
Altogether, there were over 50 participants at the Forum who all wanted to put forward their ideas and opinions about how best to address the complex issues surrounding homelessness. Of particular interest to me are the concerns of indigenous Australians. Data collated from a survey completed by all participants at the Forum shows that nearly 10% of the people present identified as either Aboriginal or Torres Strait Islander. This is a big concern when, according to the latest Australian census, only around 2% of the total population is Aboriginal. The high mortality rates and low standards of living for Australian Aboriginals and Torres Strait Islanders are now common knowledge but that doesn't make them any less shocking.

It seems that my own experiences as an indigenous Australian were echoed by others present. Another indigenous brother said that one main problem for Aboriginals is still discrimination. He told the Forum

that, "because I am indigenous most people will categorise me but because of the colour of my skin I can't get Aboriginal services, because I'm white." There definitely needs to be a better managed system for indigenous affairs, particularly around social issues like homelessness, regardless of skin colour. However, whilst indigenous issues are certainly a passion for me, I definitely agree with another participant at the Forum that regardless of your ethnicity, "All Australians have a human right to have affordable and suitable housing. This is something that is not available to all people at the moment."

The Forum allowed many people to express their concerns and innovative ideas about a way forward for homelessness. These included: establishment of a Homelessness Ombudsman, a Consumer Advisory Council reporting to the Minister for Housing, a central freecall number where people can get in contact with any homelessness service, and mentoring programs run by and for people who have experienced homelessness.

In my opinion, this part of the day proved a big success, but the Forum also showed us all that we still have a long way to go in tackling homelessness - and we can't do it alone or overnight.



What are My Rights? Infringements

Many minor offences are dealt with via infringement notice (also called 'on the spot' fines). These offences include public transport offences (no ticket, feet on seats), driving offences (speeding) and public order offences (drinking in public, littering). Since 2006, the Infringements Act has regulated the way these infringements work. Under this system the police can choose whether to give an infringer an official warning, an infringement notice under the Act or to proceed by charge and summons and go to court. If police or other authorities issue an infringement notice, this allows people pay a fine rather than be charged and face court.

From 1 July 2008, the Infringements Act expanded to include new offences. These offences are:

- riotous, indecent or offensive behaviour;
- shop theft (value of less than \$600);
- wilful damage of property (damage worth less than \$500);
- careless driving; and
- indecent or obscene language in public.
- consuming or supplying liquor on unlicensed premises;
- failure or refusal by a drunk, violent or quarrelsome person to leave licensed premises as requested by the licensee, an employee/agent of the licensee or a member of the police force;

This means that now, for anyone over 18 years old, Victoria Police can issue an infringement notice for any of these offences. We think this will lead to more people being charged and fined, because it is easier and quicker to write an infringement notice than it is to write up a charge sheet and Police brief.

If you do get fined for any of the new offences, you can still apply to have your infringement notice and fine overturned if you are experiencing 'special circumstances'. Special circumstances include physical and intellectual disabilities, mental illness, drug and alcohol dependency and homelessness.

If you have been given an infringement notice for any of the offences listed above (or other offences such as tram fines) and have special circumstances, the HPLC can help you have your fine overturned.

Please contact Caroline Adler, Manager/Principal Lawyer at HPLC or Amy Barry-Macaulay, Lawyer at HPLC on 1800 606 313 for more information and assistance.

Q&A

Laura Breda
Blake Dawson



What inspires you to volunteer as a lawyer at HPLC?

I believe that everyone should have access to legal assistance whenever they need - however, in our current world, legal assistance is not affordable for most people, let alone disadvantaged and homeless people who often need the most help. Volunteering through the HPLC is my way of being able to ensure that people who would otherwise be unable to afford legal assistance are provided with the support and help they need, even if it is as simple as helping them get off a tram fine.

What do you do when you're not being a lawyer?

I enjoy what every girl loves - shopping! When I'm not spending money I enjoy going for long walks and listening to my ipod, and just generally chilling! I love catching up with my family, especially my younger cousins who always make me laugh.

The CAG Chronicle July 2008

With the world's attention focused upon the Beijing Olympics, the closest chance most of us will have to represent our country or get even close to the action is a via our television sets (a privilege for the rich, not for the homeless), or so I thought. That was until I was selected to represent Australia in the 2006 Homeless World cup held in Cape-Town South Africa. Definitely an honour and a privilege that can never be taken away from me and a life changing experience that only those close to me can truly comprehend.

Across the world, including in Australia, tens of thousands of homeless and marginalised people are playing soccer to improve their lives. They come together once a year to show their passion and commitment in an amazing sporting and community event called the Homeless World Cup. This year the event comes to Melbourne (from the 1st to the 7th of December), with 48 countries playing street soccer at Federation Square. To whet the appetite and in anticipation of this great event, on July 20 Australian players (aptly called Street Socceros) will be representing their country in the National Street Soccer Championships with their chance to impress the coach and press for national selection.

So come join me in watching grassroots sports at its best: where players are not competing for fame and fortune but for a chance to show what homeless people can do when given respect and opportunity.

For more details www.bigissue.org
- Bushy

HPLC good news story

Anna, a single mum with an 18 month old child, was living in transitional housing while she waited for public housing. The Office of Housing (OoH) offered Anna a 4th floor apartment in a large block without a lift. Anna rejected the offer from the OoH due to concern for her child's safety, and because she rejected the offer Anna was served with a 120 'no reason' notice to vacate her transitional housing. HPLC lawyers helped Anna to challenge the notice to vacate and application for an order for possession in VCAT. HPLC lawyers argued that Anna's transitional housing provider was a public authority under the *Victoria Charter of Rights and Responsibilities* and that the notice to vacate and application for possession were not valid because the effect of the notice was that Anna and her child would be evicted into homelessness. HPLC lawyers also argued that a number of human rights under the *Charter* were relevant, including: the right to life; the right to privacy and the home; and the obligation to protect families and the best interests of children. Before the matter could be heard in VCAT, the transitional housing provider withdrew its application and Anna has been able to get back on the Segment 1 public housing waiting list.

* Names have been changed

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Melbourne Citymission
214 Nicholson Street
Footscray 3011
Mon: 10:30am - 1:00pm
Footscray train station - Tram 82 (Droop St)

Ozanam House
179 Flemington Rd
North Melbourne 3051
Tues: 10:00am - 12:00pm
Flemington Bridge train station
Trams 55, 59, 68 (Flemington Rd)

Urban Seed (Credo Café)
174 Collins St, Melbourne 3000
(Approach via Baptist Pl, off Little Collins)
Tues: 12:00pm - 1:00pm

Flagstaff Crisis Accommodation
9 Roden St,
West Melbourne 3003
Tues: 1:00pm - 2:30pm
North Melbourne train station - Tram 57
(Victoria St)

Salvation Army Life Centre
69 Bourke Street
Melbourne 3000
Tues: 12:30pm - 2:00pm

The Lazarus Centre
203 Flinders Lane
Melbourne 3000
By appointment - call 9639 8510

St Peter's Eastern Hill
15 Gisborne Street
East Melbourne 3002
Wed: 7:30am - 9:00am
Parliament train station - Trams 24, 42, 109
(Victoria Pde)

Hanover Southbank
52 Haig St, Southbank 3205
Wed: 1:15pm - 3:00pm
Spencer Street train station - Tram 112
(Clarendon St)

HomeGround Housing
1A/68 Oxford Street
Collingwood 3066
Thurs: 12:00pm - 2:00pm
Collingwood train station - Tram 86 (Smith St)

VACRO
116 Hardware Street
Melbourne 3000
Thurs: 1.00 - 3.00pm
Melbourne central station - Tram 19, 57 and
59 (Elizabeth St)

Koonung Mental Health Clinic
Friday 1pm - 3pm
Level 1, 43 Carrington Rd
Box Hill 3128
Ph: (03) 9843 5800

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