

STREET RIGHTS

NEWSLETTER OF THE PILCH HOMELESS PERSONS' LEGAL CLINIC

EDITION 42 SEPTEMBER 2008



Cover design by Tanya Unger
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ph. 1800 606 313

The HPLC is working with the Loddon Campaspe Community Legal Centre to pilot two new clinic locations in Bendigo.

This exciting new project has developed out of a report on homelessness in Bendigo and the surrounding region. The report was written earlier this year by Paula Glassborow, the Clayton Utz Foundation Fellow, working out of the Loddon Campaspe Community Legal Centre.

The Bendigo report investigated how legal services can be better provided and better targeted to the needs of people experiencing homelessness in the Bendigo region. In particular, the report considered whether a Homeless Persons' Legal Clinic should be set up in Bendigo, using the PILCH outreach model that has been in operation in Melbourne since 2001. Numerous consultations were undertaken to ensure that the report reflected as closely as possible the needs of the local community.

The major recommendation coming out of the report was that targeted legal services must be made more available and accessible for people experiencing homelessness in Bendigo. The report suggested that legal services should be provided, based on the outreach model, at two homelessness services in Ben-

digo: St Luke's Anglicare and Loddon Mallee Housing Services.

On the basis of this recommendation, the HPLC and the Loddon Campaspe Community Legal Centre are working together, along with St. Luke's Anglicare and Loddon Mallee Housing Services and two local law firms, Arnold Dallas McPherson and Stella Stuthridge and Associates, to pilot the two Bendigo clinics.

It is intended that the clinics will run in a similar way to the HPLC's Melbourne clinics in that anyone who is at risk of, or experiencing, homelessness will be able to access regular free legal services at the clinic locations. We hope that they will be up and running by the middle of October – more news to follow in the next edition.

This is an incredibly exciting development for the HPLC. It is the first time that, in conjunction with our partners in Bendigo, we will be able to provide legal services outside of Melbourne.



What are My Rights? Rooming Houses

All Victorian rooming house residents have legal rights.

You are a rooming house resident if:

- there are 4 or more people who each rent a room in the house or building, each person has separate agreements with the rooming house owner, and you share facilities such as a kitchen and bathroom; or
- you live in a hotel or motel and you have occupied your room for at least 60 continuous days as your main or only residence.

Condition of rooming house and repairs

Rooming house owners must keep your room and the rooming house in good repair. Urgent repairs must be repaired immediately. Non-urgent repairs must be repaired within 14 days.

Urgent repairs may include:

- burst water service;
- broken toilet;
- serious roof leak;
- gas leak;
- dangerous electrical fault;
- serious flood damage;
- serious storm or fire damage;
- breakdown of essential hot water, cooking, heating or laundry services
- breakdown of gas, electricity or water supply;
- breakdown in water appliances that will lead to a large amount of water being wasted; and
- a fault or damage that makes the rooming house unsafe or not secure.

The rooming house owner must provide you with alternative facilities or

accommodation while carrying out repairs or renovations.

Access

You have the right to 24 hour access to your room, your rooming house and the communal bathroom and toilet facilities. You have the right to access other communal facilities during 'reasonable hours'.

Peace and quiet

The rooming house owner must avoid disturbing your peace and quiet and must respect your privacy. It is illegal for the rooming house owner to enter your room except for specific reasons.

Security

The rooming house owner must take reasonable steps to ensure your property in your room is secure.

House rules

The rooming house owner may create house rules regarding the use of rooms and facilities. The house rules must be reasonable and must be enforced fairly.

Before you move in, the rooming house owner must provide you with a written statement of 'rights and duties' and a copy of the house rules. If the rooming house owner wishes to change the house rules, he or she must give you at least 7 days' written notice of the proposed change. If you think the house rules are unfair, you should speak to a lawyer about negotiating to have the rules changed.

Rent, electricity and gas

Rent increases can only be made once every 6 months. You do not have to pay for electricity or gas if your room is not separately metered for electricity or gas. If you share a room, you do not have to pay gas or electricity, even if it is separately metered.

Q&A

Jeremy Collins
Allens Arthur Robinson



What inspires you to volunteer as an HPLC lawyer?

An environment where marginalised people struggle to access legal assistance. Everyone should be able to obtain representation when faced with legal difficulties and the HPLC staff work incredibly hard to provide this assistance. There is huge variety of work - and HPLC work tends to be a bit different to commercial property!

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

I pretend to go the gym every now and then when I can, I do latin and ballroom dancing, enjoy the MTC and love reading. I used to play basketball until my poor old body couldn't keep up (now I just watch footy instead).

Further assistance

If you have any questions regarding your rights as a rooming house resident, you can contact the following organisations:

Tenants Union rooming house service
(03) 9411 1444 or www.tuv.org.au

Consumer Affairs Victoria
1300 55 81 81 or
www.consumer.vic.gov.au

HPLC

Caroline Adler, HPLC Manager/Principal Lawyer or Amy Barry-Macaulay, HPLC Lawyer on 1800 606 313.

The CAG Chronicle September 2008

It's been a long and miserable winter and I for one am very pleased that spring has finally sprung because it happily coincides with the CAG taking up numerous invitations to speak at Universities around Melbourne. After the success of last year's talks to law students at the University of Melbourne, our dance cards are booked solid for the next few weeks and beyond. John Tobin, a lecturer at the University of Melbourne Law Faculty, has invited us back for an encore performance and we have had requests from Victoria and Latrobe Universities as well.

To speak about our unenviable but unique perspective on human rights in relation to homelessness is often a double-edged sword. On one hand it's a fantastic opportunity to promote the CAG, PILCH and talk about the kinds of rights and representation those who have, and are, experiencing homelessness are entitled to. On the other hand it takes a certain amount of emotional strength, courage and resilience to talk about the past and present struggles you and others may face on a daily basis as a result of homelessness.

While for me the internal dilemma never rights itself completely, in the end, it's not what or how much you do, but how much love you put in the doing.

I take particular comfort in the knowledge that my fellow CAG members, PILCH and other friends are there to support me if I need them. If you attend one of the Universities mentioned, we hope you can come along and support us; otherwise we'll let you know how things go in the next edition of Street Rights.

- Tanya Unger

HPLC good news story

Fines

HPLC lawyers recently acted for a client who had in excess of 100 outstanding fines, totalling around \$35,000. The HPLC appeared with Counsel in the Magistrates' Court to request a reduction in the amount owed for the outstanding fines and plead the client's special circumstances (which may include drug issues, mental illness and/or homelessness). After considering all the circumstances, the Magistrate made an order to reduce the amount owed for the fines from \$35,000 to approximately \$5,000.

* 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

PILCH
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Melbourne, VIC 3000
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www.pilch.org.au