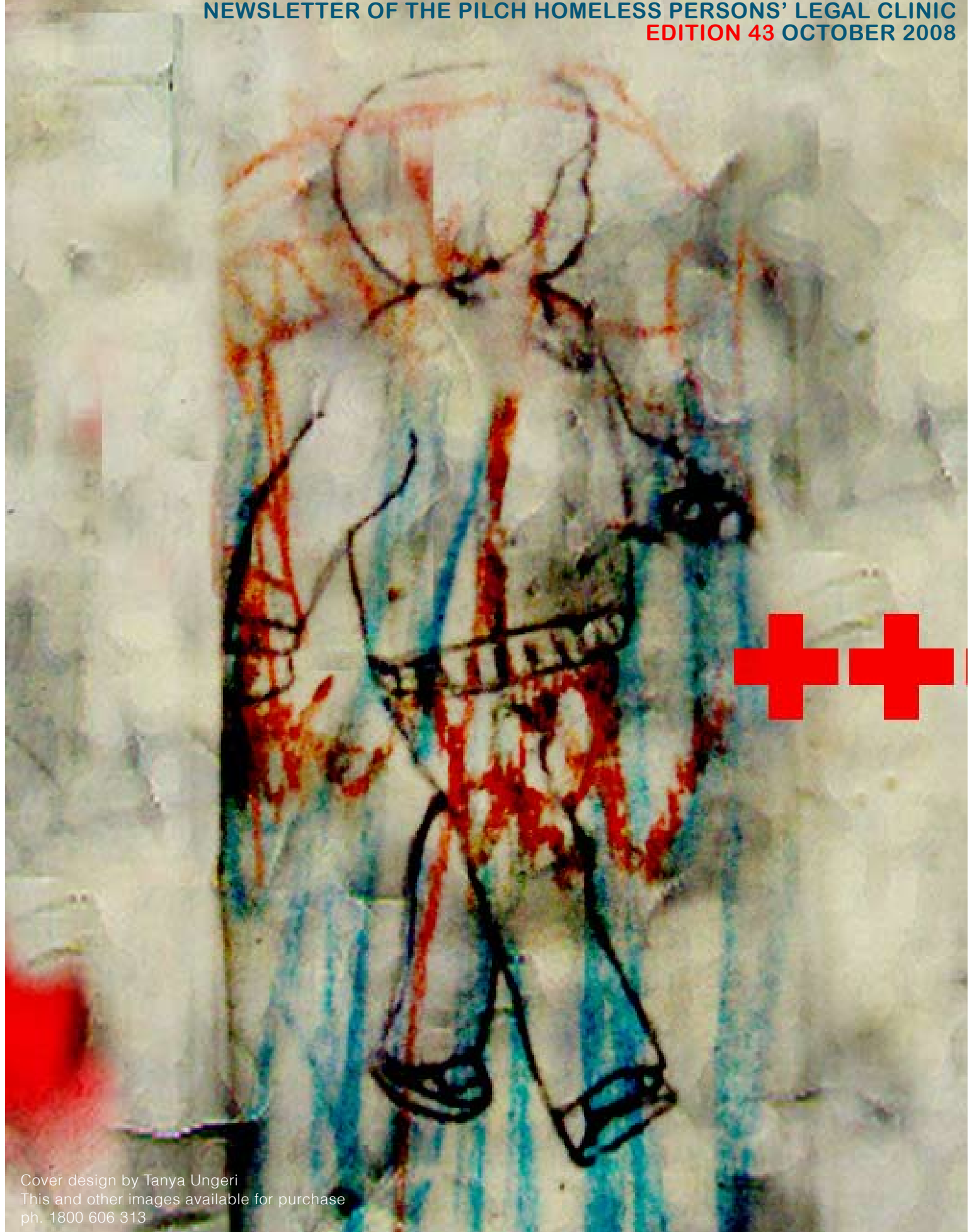


# STREET RIGHTS

NEWSLETTER OF THE PILCH HOMELESS PERSONS' LEGAL CLINIC  
EDITION 43 OCTOBER 2008



Cover design by Tanya Unger  
This and other images available for purchase  
ph. 1800 606 313

# Call for Applications

## HPLC CONSUMER ADVISORY GROUP

**Are you homeless or formerly homeless?**

**Do you believe that you should have a say in the decisions that affect you?**

**Are you committed to the human right to participation?**

The HPLC is recruiting 2 new members for its Consumer Advisory Group.

The HPLC is a free legal service that provides advice and advocacy to people who are homeless or at risk of homelessness. The HPLC also works to change laws and policies that negatively affect disadvantaged people and is committed to working to protect the human rights of people experiencing homelessness.

### **About the Consumer Advisory Group**

The Consumer Advisory Group works with the HPLC to deliver community education, train volunteer lawyers, and contribute to law reform projects and to the HPLC's publications, such as *Street Rights*.

The CAG meets monthly and provides guidance and advice to the HPLC. This advice helps the HPLC improve the quality and accessibility of its services and its law reform, education and community development activities. CAG members are reimbursed for their time and expertise.

Members of the group must be prepared to:

Commit to attending monthly meetings for 12 months;

Share some of their experiences of homelessness;

Provide the HPLC with feedback and their input into service evaluations, policies and procedures and law reform.

### **How to Apply**

Applications must be made in writing or by telephone to the Manager of the HPLC, Caroline Adler.

Address: Level 1, 550 Lonsdale St, Melbourne Vic 3000

Email: [caroline.adler@pilch.org.au](mailto:caroline.adler@pilch.org.au)

Phone: 03 9225 6684

Your application should set out your eligibility for membership and why you want to be involved in the CAG. Applications will be assessed against factors including experience, commitment, and diversity. The closing date for applications is 31 October 2008.

For further information or to be put in touch with a CAG member, call the HPLC on 9225 6684 or 1800 606 313. We look forward to receiving your application!

# What are My Rights? Eviction: Challenging Notices to Vacate

## Notice to Vacate

If you have a tenancy agreement, your landlord cannot evict you unless he or she has given you a Notice to Vacate. A Notice to Vacate is a document which tells you the reasons your landlord wants to evict you (in accordance with the Residential Tenancies Act) and the date on which you should leave the premises.

If you receive a Notice to Vacate – don't worry, you don't have to leave immediately. Your landlord has to take further steps in order to evict you (see below), and you will have the opportunity to challenge the Notice to Vacate.

If you do not leave by the date stated in the Notice to Vacate, your landlord can apply to the Victorian Civil and Administrative Tribunal (VCAT) for an Order for Possession. The application will be heard in a VCAT hearing room in front of a VCAT Member (which is like a judge at VCAT). If the Member grants your landlord an Order for Possession, he or she can then apply to VCAT for a Warrant of Possession of the property. If a Warrant is granted, the police will be notified and will evict you by the date stated in the Warrant of Possession. Your landlord cannot physically evict you - only the police can evict you.

Throughout the process, you have the right to challenge the Notice to Vacate.

## Negotiate with the landlord

After you receive the Notice to Vacate, you can try and negotiate with your landlord directly. For example, if you owe money for past rent, you might try to negotiate with the landlord to pay the owed rent by instalments and stay in the property.

## Landlord has applied for an Order for Possession

If your landlord has applied for an Order for Possession, you should receive a notice from VCAT stating the time and date of the VCAT hearing. You can contact the VCAT Residential Tenancies List on (03) 9628 9960 and let them know that you will be at the hearing to oppose the landlord's application. At the hearing you will have the chance to explain why you shouldn't be evicted.

## Landlord has already been granted an Order for Possession – request for a review

If VCAT has already granted your landlord an Order for Possession and you weren't at the VCAT hearing, and you think that VCAT's decision was incorrect, you can request a review of the decision (in writing or in person at VCAT) stating reasons why you believe the decision should be reviewed. VCAT may then set another hearing date to review the matter and hear your side of the story.

Once you request a review of the decision, your landlord cannot take any further action until the request for review has been determined by VCAT.

## If you are unable to attend a VCAT hearing – request for an adjournment

If you are unable to attend the VCAT hearing, write or fax a letter to VCAT requesting an adjournment of the hearing, stating the reason why you are unable to attend, and the dates and times that you are able to attend. If VCAT grants your request, it will set another date and time for the hearing.

## Q&A

Moira Tucker  
Corrs Chambers Westgarth



### What inspires you to volunteer as an HPLC lawyer?

I'm inspired by the need to contribute and be involved with marginalised groups in our society, and to have the opportunity to use my legal skills in this context, beyond the corporate law firm environment.

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

My major passion is singing and music - at the moment my favourite genres are jazz, bossa nova, classical, Motown and indie. I sing both in choirs and solo, and am planning to start up singing lessons again soon. Other things I am passionate about include green synthetic chemistry, sustainable living, literature and trash tv.

### Assistance

You can get advice in relation to all of the above steps from the Homeless Persons' Legal Clinic. In some instances, we may be able to take on your case and represent you at VCAT hearings.

### Contact

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

# The CAG Chronicle October 2008

The Consumer Advisory Group has been very busy indeed, attending numerous university events to speak about homelessness and our individual experiences. These events have proved to be productive for both the University students and the attending CAG members, and have provided opportunities for our individual messages and stories to shine through. I am gaining a great deal of satisfaction from sharing my stories and from the warm responses I get from the audiences attending these events. I try to provide a very open and honest perspective, and I have found that this perspective received with a great deal of warmth and gratitude.

We have many different events planned for the coming months, to help give more of an honest perspective of the homelessness issues here within greater Melbourne. We will be conducting a series of surveys about begging on the streets. We have one talking spot organised with 3CR, but a regular series would be a great event!! Finally, the great deal of work we did with the White Paper may be coming to fruition as it will be released in November. Our monthly CAG meetings are still being conducted and we as a group are developing a kinship that goes from strength to strength. I've learnt a lot about myself from these two years on the CAG that keep me in a positive frame of mind. I am looking forward to the CAG's contribution to many different projects in the coming months.

- Troy Brabham

## HPLC good news story

Steven is a 38 year-old man with an acquired brain injury. In addition, Steven has struggled with gambling and alcohol addictions related to depression resulting from his incapacity. HPLC lawyers have recently acted for Steven in relation to two separate matters.

The first involved an application to VCAT for the appointment of an administrator. Steven wished to oppose the appointment of an administrator. HPLC lawyers and counsel were able to show VCAT that less restrictive measures were available to assist Steven in managing his finances. In particular, HPLC lawyers were able to arrange for Steven to give an undertaking that he would enter into a direct debit system for the payment of his rent. This was a decisive factor in VCAT deciding to dismiss the application. HPLC lawyers then assisted Steven to put in place this direct debit system. Steven's second matter involved an application for the revocation of three public transport infringements. HPLC lawyers appeared in the Magistrates Court on behalf of Steven and were able to demonstrate that special circumstances existed at the time of the offences. HPLC lawyers also submitted that Steven is making a concerted effort to engage in the community and had put in place measures to avoid re-offending. As a result, the Magistrate found the offences proved but dismissed them unconditionally. Steven was delighted with both results and can now focus on getting his life back on track.

\* Names have been changed

## Subscribe

Please contact 1800 606 313 or [hplc@pilch.org.au](mailto:hplc@pilch.org.au) to subscribe, or to have your say.

The HPLC provides free legal advice at these locations and times:

The Big Issue  
148 Lonsdale Street  
Melbourne 3000  
Mon: 10:00am - 11:00am

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

Loddon Mallee Housing  
Services  
20-30 View Street  
Every second Tuesday, 2pm - 4pm

St Luke's Anglicare  
175 Hargreaves St, Bendigo  
Every second Friday, 10am - 12pm

PILCH  
Level 1, 550 Lonsdale st.  
Melbourne, VIC 3000  
(03) 9225 6684 or 1800 606 313  
[www.pilch.org.au](http://www.pilch.org.au)