

# STREET RIGHTS

An abstract painting with vibrant, swirling colors. The central focus is a large, circular, white and yellow shape that resembles a face or a head, surrounded by thick, expressive brushstrokes in shades of pink, orange, and red. The background is a mix of green, blue, and purple, creating a sense of depth and movement. The overall style is expressive and emotional.

newsletter of the pilch  
homeless persons'  
legal clinic

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The HPLC recently carried out an inquiry into the current laws and practices surrounding homeless persons living or sleeping in their cars. Despite the growing number of Victorians facing this issue, the matter has received little attention on both a local and state level, resulting in laws and policies that are either underdeveloped or entirely non-existent.

Support services across Melbourne have experienced a sharp increase in homeless clients living in their cars, citing availability and quality of housing as the leading causes. With Victoria still battling a housing shortfall of around 22,000 dwellings, compounded by a lengthy public housing waiting list, affordable and long-term shelter for the homeless is limited. Furthermore, the dangerous and under-regulated operation of rooming houses acts as a deterrent from shared social housing arrangements, leaving provisional shelters such as cars and tents as preferred options.

The research undertaken by the HPLC reveals that most local councils across Victoria have encountered cases of car-dwellers within their municipality, but have no laws outside of camping regulations to deal with this issue. Councils have tended to resort to moving on car-dwellers, which is problematic given that other areas may also have prohibitions on sleeping in cars, or that the person may be incapable of driving at the time, due to fatigue or alcohol.

Several councils did coordinate their activities with outreach services and housing programs, however many councils had no protocol developed, often reporting such matters to the police to take care of. Numerous councils fined car-dwellers or imposed penalty units upon them, which leads to the worrying outcome of criminalising what is ultimately a human rights issue that traverses the rights to life, security and freedom of movement, amongst others.

Unfortunately, HPLC's inquiry evidences a general lack of housing strategies across all councils. If the government's federal homelessness goals are to be met by 2020, there needs to be a greater focus on initiating plans to combat all forms of homelessness on a local level. The HPLC is looking into formulating a unified homelessness strategy with Victoria's councils, and will continue its efforts to ensure that even local laws serve to help the community's homeless, rather than discriminate against them.



# Compulsory Income Management

The government has announced that it intends to roll out a new nationwide model of income management which will have a significant impact on the way social security benefits are paid. This model will be compulsory.

Under the policy, 'vulnerable persons' in any area nominated by the Minister could have half their welfare payment made accessible only by a card which can be used at specified stores. 'Vulnerable persons' include:

- People experiencing or at risk of homelessness
- People who are financially unable to meet the priority needs of themselves, their children, partner and other dependants
- People experiencing domestic and family violence
- People who have been exploited financially
- People who have failed to undertake reasonable self-care (including those with substance abuse, problem gambling, and/or mental health issues).

Parents of school age children may ask for an exemption if they can show that each child is involved in appropriate activities and has had no more than five unauthorized absences in each of the last two school terms (unless alternative activity, such as home schooling, is approved). Parents of children under school age who want to get an exemption need to satisfy certain health checks and child care standards. The parent must also have had no financial vulnerability over the previous year.

The HPLC recently submitted comments to the Department of Families, Housing, Community Services and In-

igenous Affairs (**FaHCSIA**) regarding the proposed policy. In its comments, HPLC asserted that:

- there is insufficient evidence supporting any positive effects of the scheme on vulnerable persons
- the policy is inconsistent with Australia's obligations under international law.

HPLC also noted the government's failure to consult with people who will be most affected by compulsory income management when developing its policy. The HPLC conducted consultations with six people who have experienced homelessness about the proposed policy and used their opinions to inform its submission.

HPLC's submission noted that restrictions on food providers could make budgeting more difficult because they ignore the existence of cheaper alternatives such as vegetable patches, markets and pooled resources. The policy would also disadvantage people who pay for accommodation in cash, or pay for outstanding fines through Centrepay, since these fees could not be paid from the allocated amounts on their income-managed cards.

HPLC pointed out the stressful nature of the exemption process and questioned the availability of Centrelink workers who are qualified to assess both financial situations and parenting skills. HPLC also suggested that the proposed criteria are not flexible enough to deal with individual medical or other emergencies.

HPLC encouraged the government to recognise the weak evidential basis for implementing compulsory income

## Q&A

Ben Hay  
Corrs Chambers Westgarth



### What inspires you to volunteer as a lawyer at the Homeless Persons' Legal Clinic?

I firmly believe that legal advice should be accessible to all people irrespective of their background or financial restraints. Although my contribution to the HPLC is small, it's still rewarding to be able to provide legal assistance to people who genuinely need help. I also enjoy interacting with the HPLC's clients.

### When you are not being a lawyer, what do you do in your spare time?

I like live music, exercising, eating/drinking with friends and watching the Hawks play. I liked the idea of triathlons, although after my woeful first attempt last year, now favour lying on the couch with a good book.

management and the discriminatory effect it could have on vulnerable people, such as those experiencing homelessness.

HPLC also emphasised the negative effects of stress, loss of autonomy, stigma and increased difficulties budgeting that compulsory income management is likely to result in. On all these bases HPLC requested that the government reconsider this proposed policy.

# Homelessness 2020 CAG Report

In April 2010, the HPLC was appointed by the Government to conduct consumer consultations to inform development of the Government's policy to address homelessness. The Consumer Advisory Group (CAG) played a very important role in assisting with these consultations. The following extract is the CAG report which was submitted to the Government as part of the final report:

"The Consumer Advisory Group is made up of six members of society who are or have experienced homelessness. Our group is proof that homelessness is not gender or race-specific and that anyone can wind up homeless if circumstances change. During the consumer consultations we were again reminded about this diversity therefore the government must realise that service provisions and policy solutions must be flexible.

The CAG role during the consultations was to assist consumers in telling their stories and experiences freely without fear of prejudice. In facilitating and assisting with these consultations, we identified a number of important issues that in our opinion need to be addressed by government in developing a response to homelessness.

Firstly we were struck by the issue of 'lowered expectations or as one person called it, the 'turd on a plate' approach to homeless services. When we spoke to people, we heard stories about them being grateful for substandard services or accommodation. We think this is wrong and we think this shows how people experiencing homelessness are being failed by services. Although we did hear about effective services, we often heard that the good ones were understaffed and under-funded.

Our discussions also showed how people living outside Melbourne have extra issues to confront when trying to access services. In Bendigo we heard that some housing services were giving people tents and telling them to camp in the bush.

Over and over again we heard about the issue of 'continuity of care.' This issue is all about trust and respect. People get sick of continually telling their stories over and over again. People we spoke to talked about compassion. Some people explained that a compassionate and well trained worker can change their lives. Other people told us how disinterested/overworked/burnt out and (as a result) uncaring workers are a waste of time. Our involvement in the consultations reminded us about the importance of speaking to consumers when developing services. Everyone we spoke to had important and relevant and intelligent and interesting things to say about homelessness. We must listen to them."

## Good news story

Robert\* lives in a rooming house run by a housing provider. The housing provider issued him with a notice to vacate and an application for possession seeking his eviction. Robert thought that the eviction was unjustified and that the application did not consider his mental health issues which arose in part from the living conditions in the rooming house. Having approached a number of other support services, Robert came to the HPLC seeking assistance in opposing his eviction.

HPLC lawyers assisted Robert in opposing the housing provider's application for possession at VCAT. Based on Victorian Supreme Court authority, we argued that the reasons given for eviction in the original notice to vacate were insufficient, and that the housing provider had failed to consider Robert's human rights, including his mental health, in issuing the notice. VCAT dismissed the notice to vacate on those grounds, and parties discussed means to improve the living conditions in the rooming house. Robert has since been able to remain in his accommodation, and conditions have improved.

\* 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:

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

St Kilda Crisis Contact Centre  
(for women and their accompanying children)  
29 Grey St  
St Kilda 3182  
Tuesdays 12pm - 2:00pm  
Trams 79, 96, 112

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

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

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

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

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

Northside Geelong  
92 Cox Rd, Corio  
Thurs: 12:00pm - 2:00pm

The Big Issue  
148 Lonsdale Street  
Melbourne 3000  
Fri: 2pm - 3pm

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

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