

# STREET RIGHTS

newsletter of the pilch homeless persons' legal clinic

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# Coroner's rooming house recommendations



You may have seen reports in the paper or on TV about the deaths of Leigh Sinclair and Christopher Giorgi in a rooming house fire in 2006. On the night of the AFL grand final Leigh and Christopher were asleep when a fire started in the space between the Pizza Hut restaurant below and their bedroom in the Sydney Road rooming house.

With no working smoke detectors and no sprinkler system, they had little chance of escape once the fire started. Five other rooming house residents were lucky to escape with their lives.

On Tuesday 29 September, Coroner Peter White handed down his findings from the inquest into the deaths of Leigh and Christopher. It was an important day for the HPLC, who had attended the inquest to raise issues relating to fire safety problems and the lack of legislative protection for rooming house residents, many of whom are HPLC clients.

During the inquest, the HPLC drew the Coroner's attention to the fact that many rooming house operators do not register their rooming house and as a result are able to fly under the radar and dodge laws that protect the rights of residents.

The HPLC (along with the Tenant's Union of Victoria and Council to Homeless Persons) asked the Coroner to make recommendations that would improve the regulation and standards of rooming houses. We also asked that the regulations be enforced to ensure that there will be no more deaths in rooming houses.

Coroner White adopted 7 of the 8 recommendations that we proposed.

These included:

1. that rooming house operators must be licenced and, as a condition of these licences, they must be a 'fit and proper person'
2. that rooming houses be registered (and meet appropriate standards) if more than one room within a residential premises is offered for rent
3. that Government agencies be given powers of search and entry to ensure that rooming houses comply with appropriate standards
4. that penalties be increased for rogue operators who are putting residents' safety at risk

Along with the 'Call this a Home' campaign in which peak bodies and consumers have called for reform to rooming houses, we hope that these recommendations will put pressure on the government to make key changes to rooming house regulation.

Premier Brumby recently established a taskforce to report into rooming houses conditions and laws surrounding them. We hope the taskforce will take notice of the recommendations and call for reform so that rooming house residents can feel safe and secure in their homes.

# What are My Rights? Appealing a Centrelink decision

If you are unhappy with a decision made about your Centrelink payment, there are several steps you can take.

## Contact Centrelink

It's a good idea to discuss your concerns with the Centrelink person who made the original decision. This isn't a required step, but it can be a useful way to correct misunderstandings, present new information or evidence, and get an incorrect decision changed quickly.

If you think a decision is wrong, you have the right to ask for a review by an Authorised Review Officer (ARO). AROs are senior and experienced people in Centrelink who will have had no involvement in your case. The ARO will:

- look at the information used by the person who made the original decision
- where possible, talk to you in person or by phone, to discuss the matter
- check whether any new, relevant information is available
- clear up misunderstandings
- correct any mistakes that were made
- change the decision where appropriate
- inform you of the result explaining the reasons for the ARO's decision.

If you're still not happy with the ARO's decision, you can then appeal to the Social Security Appeals Tribunal.

## Social Security Appeals Tribunal

The Social Security Appeals Tribunal (SSAT) reviews social security, family assistance and student assistance decisions. The SSAT can only look at a decision that has been reviewed by an ARO.

Appeals to the SSAT are free of charge. Hearings are conducted in an informal

manner. They are not like a court and it is not necessary to bring a lawyer (although this can be a good idea). Hearings are in private, but customers may bring someone with them who may also talk to the SSAT.

After making its decision, the SSAT should write to you and Centrelink within 14 days with its decision and reasons.

Decisions made by the SSAT are binding on both you and Centrelink, but either may apply to the Administrative Appeals Tribunal for further review.

## Administrative Appeals Tribunal

The Administrative Appeals Tribunal (AAT) is a more formal body that resolves disputes between people and government agencies. The AAT can review decisions of the SSAT. Appeals must be lodged in writing within 28 days of receiving the SSAT decision, although a late appeal might still be accepted. There is no charge for lodging an appeal in the AAT, and it will not order costs in Centrelink matters.

After you have lodged an appeal to the AAT, Centrelink will lodge with the AAT a statement of reasons for the decision, including all relevant Centrelink documents. A copy will also be sent to you.

The AAT will then hold a conference where you can talk to a Centrelink representative. The AAT will seek to clarify the issues and, if possible, find a solution that satisfies both you and Centrelink.

If the matter is not resolved the AAT will give each party the opportunity to present evidence and argue its case in a public hearing, and will then make a decision.

Decisions made by the AAT are binding on both you and Centrelink. Either can appeal a decision of the AAT to the Courts, but only on a question of law.

## Q&A

James Farrell  
HPLC



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

I'm a big believer in protecting and promoting people's human rights. Too often, people in positions of power fail to protect the human rights of people who are disadvantaged or vulnerable, including people who are experiencing homelessness. The HPLC do a great job, standing up against powerful institutions to protect the rights of individuals. It's something that I love to be a part of.

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

I love spending time with my family; I have a 10-month old son who is lots of fun to be around. I also love the footy (Go Cats!) and going to the movies, and I'm studying a post-grad course in applied human rights.

## Court Appeals

You can appeal an AAT decision to the Courts on a question of law, but you should seek legal advice before you take this step.

## More information

For more information, or if you would like help to appeal a Centrelink decision, contact the HPLC on 1800 606 313.

# The CAG Chronicle October 2009

After being back in Melbourne for roughly 2 years I've had all my nightmares come back to me, but this time I did not run away as I would have done in the past. I stayed strong and got past my fears that have haunted me most of my life. During the first 6 months of my time back in Melbourne I stayed on a friend's couch, but after a while this started testing our friendship; his place was so small you could barely swing a mouse, let alone a cat. So I went to a lot of different services and agencies to put my name down for place to live. At the start I got moved to many different hostels, hotels and backpackers but I never felt safe there due to my mental illness, so I went back to the street to try to find a secure squat or any place where I felt comfortable and safe.

Eventually a spot came up for me at Flagstaff, a men's shelter, and I was there for just over 6 months. In that time I told my support worker I would like to get my name down for transitional housing as I got sick and tired moving from place to place. Transitional housing, for people who don't know what it is or what it means, is where you are given a property managed by a homelessness/housing support agency. You only need to pay the same amount of rent you would for a housing commission house or unit, and the rest of the rent is subsidised by the government. All up, you pay 25 percent of the rent plus the cost of power, gas and water. Transitional housing is like a stepping stone to the total freedom of your own public housing property.

After 6 months at Flagstaff I was moved to another shelter as I was told this was the only way I could apply for or be considered for one of the properties available through the THM (transitional housing management) program. I stayed at the second shelter for about a year. It felt like I was moving backwards instead of forwards. Then one day my support worker told me there was a phone call for me from, which seemed strange as I have a mobile phone for people to contact me directly. Any how, I took the call only to find out that a transitional place had come up for me.

It surprised me so much that I was speechless and so overwhelmed I could not believe it. So the moro of my story is that you need to just hang in there and put up with all the politics and other crap that goes with it; you will still get days when you feel like throwing it all in, but there is definitely light at the end of the tunnel. All you need to do is stay strong and use your supports as much as possible as it will work for you as it did for me.

- Daren W

## HPLC good news stories

Kelly\* sought assistance from the HPLC to complete an application for Australian Citizenship in order to get the necessary documentation to apply for a driver licence. Kelly holds a birth certificate from her home country, but not a passport. This is not sufficient to apply for a drivers licence in Australia. While this has not been the most critical of legal issues that Kelly has faced over the last few years, it is important to Kelly that she get her driver licence so that she can visit and care for her sick father.

In order to complete the Australian Citizenship application Kelly had to provide documents that demonstrated how long she has been living in Australia. Kelly had none of these documents and did not know the exact date of her arrival in Australia, as she was a small child at the time. The task of tracking down these records seemed quite difficult and time consuming.

HPLC lawyers contacted National Archives to see if they could locate Kelly's records of arrival to Australia. In order to conduct searches, National Archives need some basic information which Kelly did not have. After some digging, the lawyers found information in online database that holds records of departures from Kelly's country of birth. This information helped to narrow down the month Kelly arrived in Australia, so National Archives were then able to locate arrival records of Kelly and her family.

The Department of Immigration and Citizenship recently approved Kelly's application for Australian Citizenship and Kelly is now waiting to participate in the citizenship ceremony. After this she will be able to apply for her driver licence.

\* Name has 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 - 3pm  
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

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 Parade)

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)

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

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

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

PILCH  
Level 17, 461 Bourke Street  
Melbourne, VIC 3000  
(03) 8636 4408 or 1800 606 313  
[www.pilch.org.au](http://www.pilch.org.au)