

STREET RIGHTS



newsletter of the pilch homeless
persons' legal clinic

issue 66 | october 2010

Homelessness 2020 Strategy

Earlier this year, the PILCH Homeless Persons' Legal Clinic (HPLC) held a number of consultations with members of the community who had experienced homelessness to help inform the Victorian Government's Homeless 2020 Strategy. On the 23 September 2010, the Victorian Government launched 'A Better Place: Victorian Homelessness 2020 Strategy', outlining their new plan for reducing homelessness over the next 10 years.

The Strategy represents a big push on prevention and early intervention including a much stronger emphasis on employment, education and health.

The Strategy also recognises the shared responsibility for homelessness across government. As part of a 'whole-of-government' approach to addressing the causes and effects of homelessness, the Strategy encourages the government, business and community sectors to work together. In practice this means that housing and homelessness support will be coordinated and connected with health, education, employment, income support, child protection and justice services.

The 2020 Strategy also highlights a shift from the 'one size fits all' approach to solving homelessness, to a more individualised approach to the delivery of services for people experiencing or at risk of homelessness. This approach acknowledges that personal circumstances and that people at different stages of their life have differing needs.

To address the different needs of people at different stages of their lives the strategy has three separate focus areas; Family with children and young people, adults experiencing homelessness and Adults over 55 years who are experiencing homelessness.

A key area of the policy was the Victorian Government's commitment of an extra \$42 million of funding under the 2020 Strategy, which will be used to implement:

- Six flagship projects (each of which will run for four years) that will focus on addressing the needs of individuals within each of the three life stages. The flagship projects will cover: family homelessness, family violence, young people, adults experiencing short-term homelessness, adults experiencing long-term homelessness and older persons
- An employment linkages project, that will provide work opportunities and support access to vocational training
- Private rental brokerage to assist people to obtain private rental housing.

The HPLC will continue to keep you update on developments as the Strategy is rolled out across Victoria.

More information on the Strategy is available at:
www.homelessness.vic.gov.au.

Victorian State Election: Saturday, 27 November 2010



Visit www.vec.gov.au to
enroll and have your say.

What are my rights? intervention orders

What is an intervention order?

Intervention orders, in other states called restraining orders, are civil orders which prevent someone from acting in a certain way towards you or your children. In Victoria, there are two types of the intervention orders:

- Against a perpetrator of **family violence**
- Against a person who is **stalking you**

How can you apply for an intervention order?

You can apply for an intervention order if you are a victim of family violence. Family violence doesn't necessarily mean physical acts; it may be emotional, psychological or verbal abuse, any form of threatening or coercive behavior and even economic abuse. It doesn't have to be long-term – an isolated incident may be enough.

You can also apply for an intervention order if you are being stalked. A person is stalking you when they perform a series of acts to cause you physical or mental harm, or make you fear for your own safety or the safety of your family. Examples of stalking behavior includes following you, keeping you under surveillance, contacting you by any means of communication or publishing statements about you on the internet.

If you believe your child is a victim of family violence or is being stalked, you can either apply for an order for your child, or ask a friend, relative or a social worker to apply on your behalf. Your child can also apply for him/herself if he or she is over 14.

A police officer can apply for an order for you or your children, even without your consent.

Where and how do you apply?

An application should be made at any Magistrates' Court, Children Court or

Neighborhood Justice Center. To get assistance contact The Specialist Family Violence Service which operates at Magistrates' Courts in:

Melbourne, at (03) 9628 7777
Frankston, at (03) 9784 5777
Sunshine, at (03) 9300 6200
Werribee, at (03) 9974 9300

You can ring one of these numbers from Monday to Friday, 9 am to 4.30 pm and request an appointment in regard to your application. If you need to apply after business hours, or you live in remote areas, you can ask a police officer to apply by phone or fax.

What conditions can be ordered?

Court has broad discretion when it comes to the conditions of the order.

It must consider excluding the respondent from your home.

The respondent might be ordered to give you your personal property back or to not remove any domestic appliances from your home.

Remember that an intervention order does not have effect on ownership rights.

There are other conditions which Court can include, for example, to abstain from violence, take counseling or anger management classes. The Court might also prohibit the respondent any contact with your child.

For more information

The Victoria Legal Aid booklet Applying for an intervention order also has a list of services on the back cover.

You can get this booklet at the Magistrates' Court, from the Victoria Legal Aid website (www.legalaid.vic.gov.au), or from a Victoria Legal Aid office.

Q&A

Dianne Sisak
Minter Ellison



What inspires you to volunteer at the Homeless Persons' Legal Clinic?

It is a privilege to be able to use my legal skills to really help someone out. Although some of the issues that we help our HPLC clients with are not always glamorous from a legal perspective, for example making special circumstances applications to revoke infringements, I know from personal experience how upsetting it can be to get a parking fine, and when you are on a limited income, trying to get back on your feet and dealing with other difficult personal issues, it can be a huge relief to manage your fines.

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

I love to go shopping, particularly exploring quirky little boutiques across Melbourne and (usually window shopping) vintage furniture stores. I think I could write a shopping guide to Melbourne. I am also a real bookworm and have a book club with friends, we usually meet up on a Friday night at a bar or café, and yes we do actually discuss the book we have been reading. Other than that, I also love the theatre and simply enjoy time at home being domesticated and taking my spunky little dog Mia (a terrier) for a walk. When I am feeling ambitious I like to fit in a bit of Bikram yoga - there is no other form of exercise quite like it.

HPLC help with intervention order

After a dispute with his neighbour, James was given a notice to vacate from his Office of Housing property for being a 'danger' to his neighbour. With advocacy support from the HPLC, the Office of Housing withdrew the application for possession and agreed that James did not present an ongoing or continuing danger to his neighbour.

However, the neighbour successfully obtained an intervention order against James in relation to the altercation. The intervention order was obtained before the HPLC's involvement, and James was not represented at either of the two hearings at the Magistrates' Court when the matter was heard.

James suffers from an acquired brain injury. He often gets confused and tends to agree to things without fully understanding them. Because of that issue, James consented to not come within 5 metres of his neighbour, despite this preventing him from using common property between the two properties which is less than 5 metres. The practical result was that every time James entered or exited his own property he crossed the common property in front of his neighbour, and was in breach of the intervention order. The neighbour would often call the Police in relation to these breaches.

This had a severe impact on James' life and his disabled partner whom he was no longer able to assist up and down the driveway along the common property without being in breach of the intervention order.

James tried to vary the order himself, however, was unsuccessful. HPLC volunteer lawyers assisted James to apply for a variation of the intervention order to reduce the 5 metre 'exclusion zone' to 1 metre. This application was rigorously opposed by James' neighbour.

The volunteer lawyers attended court with James on two occasions. Both times the Magistrate adjourned the matter because the court did not have time to deal with it. On one occasion, the Magistrate advised that her preliminary view was that there was 'no way' the client's application would be granted. This delay has had a very significant impact on James. The intervention order was obtained in February of 2010, and the hearing for the variation was not held until September 2010.

Despite the frustrations and unsuccessful attempts at mediation, the volunteer lawyers pursued the application. The lawyers obtained lots of evidence to show the impracticality of the intervention order, including a letter from the Police saying how impractical the order was and how it should be varied. The lawyers also photographed the property and obtained LANDATA information showing the size of the common property and the obstacles on it which reduced the usable area to considerably less than 5 metres.

The Magistrate found that the 5 metre order had been a mistake of the Court and that James' application should be granted, reducing the distance reduced to one metre.

Now James and his partner can live their lives without fear that if the common property was accessed, the Police would be called.

Subscribe

Please contact 1800 606 313 or 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
First Friday of the month, 10am - 12pm

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