

HOMELESS LAW REFORM UPDATE

Disability Discrimination Amendment Bill — The Homeless Persons' Legal Clinic has been involved in extensive lobbying against the Federal Government's Disability Discrimination Amendment Bill, which sought to permit discrimination on the ground of drug addiction in areas such as employment, accommodation and the provision of goods and services. The Bill was referred to the Senate Legal and Constitution Committee for inquiry and report. The report of the Senate Committee was released on the 15 April 2004.

The Senate Committee noted that it had received persuasive evidence that the Bill is unnecessary and unlikely to achieve its purported objectives. Of the 118 submissions received by the Committee, 116 submissions opposed the Bill 'substantially or in part'. The Committee expressed concern that the Bill would increase the marginalisation of, and discrimination against, people with drug dependencies, and would deny them basic human rights protection. Ultimately, the Committee recommended that the Bill be referred to the Ministerial Council on Drugs Strategy for further consideration. As a result, it appears likely that the Bill is 'off the agenda' in the lead up to the Federal election and it is improbable that the Bill will be enacted in its current form.

Charter of Rights for Homeless People — The Victorian Department of Human Services is currently developing a Charter of Rights for people experiencing homelessness. Consultations have been undertaken with service providers and 226 homelessness service users (including people sleeping rough, in transitional housing and accessing other homelessness assistance services).

Service users responses indicate that the most important rights for homeless people and the rights most often violated include: the right to safety and security of person; the right to be treated with dignity and respect; the right to be free from discrimination; the right to appropriate economic and social supports; the right to participation in service system development and management; and the right to self-directed decision making.

A draft Charter of Rights and Complaints Mechanism Options Paper, outlining options and procedures for complaints and appropriate remedies for violations for rights, is expected to be provided to the Department of Human Services by the end of May 2004 and then released for further public discussion and contribution.

Fines and Disadvantage — The Victorian Government is currently reviewing the system under which various agencies (such as the police, parking inspectors and public transport ticket inspectors) issue and enforce infringement notices (fines). The Clinic is represented on a reference group that is providing the Government with advice regarding the development of new legislation and protocols to make the system fairer and more flexible for people experiencing financial or social hardship. The options being considered include the development of a 'warning system' and diversionary programs in lieu of infringement notices for financially disadvantaged people. It is expected that legislative changes will be enacted by Autumn 2005.

Voting Rights for Homeless People — The Australian Electoral Commission has recently launched a project entitled 'Bringing Democracy Home – Enfranchising Australia's Homeless'. The project aims to develop a better understanding of the homeless population and their voting needs and to develop and implement recommendations to ensure that people experiencing homelessness are not denied the right to vote.

The project is particularly interested in soliciting the views and recommendations of people experiencing homelessness or working in the homelessness sector regarding effective homeless voter education, enrolment and participation strategies. For further information go to the Bringing Democracy Home website at <www.sisr.net/homeless/welcome.htm>.

THE CLINIC PROVIDES FREE LEGAL ADVICE AT THESE LOCATIONS AND TIMES:**The Big Issue**

148 Lonsdale St
Melbourne VIC 3000

Mon: 10:00am – 11:00am

Melbourne Citymission

214 Nicholson St
Footscray VIC 3011

Mon: 10:30am – 1:00pm

Ozanam House

179 Flemington Rd
North Melbourne VIC 3051

Tues: 10:00am – 12:00pm

Urban Seed (Credo Café)

174 Collins St
Melbourne VIC 3000

Tues: 12:00pm – 1:00pm

Flagstaff Crisis Accommodation

9 Roden St
West Melbourne VIC 3003

Tues: 1:00pm – 2:30pm

St Peter's Eastern Hill

15 Gisborne St
Melbourne VIC 3002

Wed: 7:30am – 9:00am

The Lazarus Centre

205 Flinders Lane
Melbourne VIC 3000

By appointment - call 9639 8510

Hanover Southbank

52 Haig St
South Melbourne VIC 3205

Wed: 5:30pm – 7:30pm

HomeGround Argyle Housing

2/107 Cambridge St
Collingwood VIC 3066

Thurs: 12:00pm – 2:00pm



YOUR RIGHTS AS A HOMELESSNESS ASSISTANCE SERVICE USER

If you are homeless or at risk of homelessness you can seek assistance from a government funded accommodation or support service.

If you are homeless and seek assistance from a homelessness accommodation or support service, you have the following rights under the Commonwealth *Supported Accommodation Assistance Act 1994*:

- You have the right to be treated with dignity and respect for your human rights.
- You have the right to be treated with sensitivity to your social and economic circumstances and your cultural beliefs and backgrounds.
- You have the right to be treated as an individual.
- You have the right to be free from discrimination.
- You have the right to supported accommodation or, if no accommodation is available, to assessment and referral to another support service.
- You have the right to be involved in the development of policies relating to homelessness.
- You have the right to be assisted to obtain employment, education, health services, disability and rehabilitation services, children's support services, income support and long-term, secure and affordable housing.
- You have the right to make a complaint and to access a grievance procedure if your rights are not respected.

If, as a service user, your rights have been violated, you can obtain free and confidential advice from either the PILCH Homeless Persons' Legal Clinic or the Support and Accommodation Rights Service (see contact details below).

YOUR RESPONSIBILITIES AS A HOMELESSNESS ASSISTANCE SERVICE PROVIDER

If you are a provider of supported accommodation or related support services to people who are homeless, you have the following responsibilities under the Commonwealth *Supported Accommodation Assistance Act 1994*.

- You must treat service users with dignity and respect for their human rights.
- You must be sensitive to the social and economic circumstances of services users and their cultural beliefs and backgrounds.
- You must assist people who are homeless to achieve the maximum possible degree of self-reliance and independence.
- You must safeguard service user rights by developing and implementing a charter of clients' rights and a grievance procedure.
- You must provide service users with the opportunity to be involved in the development of policies relating to homelessness.
- You must help homeless people to resolve crisis through the provision of accommodation, case management, assessment or referral.
- You must help homeless people to integrate with the community by assisting them to obtain employment, education, health services, disability and rehabilitation services, children's support services, income support and long-term, secure and affordable housing.

If, as a service provider, you want further information about your responsibilities or advice about the development and implementation of policies and programs to meet your responsibilities, you can get free assistance from the PILCH Homeless Persons' Legal Clinic or the Support and Accommodation Rights Service (see contact details below).

SUPPORT AND ACCOMMODATION RIGHTS SERVICE (SARS)

Do you have a problem with the support and accommodation service that you're in or that you're trying to get into? The Support and Accommodation Rights Service (SARS) can inform residents, tenants, service users and clients of government funded homelessness services about their rights and how to make a complaint. SARS can also provide an advocate to support you, represent you and act on your behalf.

Does your service have a charter of rights or a complaints mechanism for people who want to make a complaint about access, service delivery or exclusion? SARS can provide free advice to homelessness services about enhancing service delivery by developing and implementing policies to promote and respect service user rights and to deal with service user complaints.

SARS is a confidential and independent service open from 9.00am to 5.00pm, Monday to Friday.

You can access SARS by dropping in to the office and speaking to a worker or you can contact SARS by telephone. SARS will aim to work with you to find a solution that best suits you. The SARS contact details are:

34 Brunswick Street
Fitzroy VIC 3065
Ph: (03) 9419 8529
Free Call 1800 066 256
<www.chp.org.au/sars>

**Public Interest Law Clearing House
Homeless Persons' Legal Clinic**

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