

STREET RIGHTS

NEWSLETTER OF THE PILCH HOMELESS PERSONS' LEGAL CLINIC

Edition 31 – September 2007

NEWS AND EVENTS

Enrol to Vote:

Figures from the Federal Election in 2001 indicate that up to 80 000 homeless people were not enrolled or did not vote in that election. The more people experiencing homelessness who enrol & vote, the more power and influence they and their advocates will have in relation to housing, health and social services. Recent amendments to the Electoral Act 1918 (Cth) mean that electoral rolls now close for new voters at 8pm on the night the election is called. This means that unless you are already enrolled, it will be very hard to enroll after the election is called. The government is tipped to announce the next election in the coming weeks, and the only way to ensure that you can vote at the next Federal election is to submit your application form as early as possible. You can get enrolment application forms from any post office, by visiting www.aec.gov.au or by calling 13 23 26. If you require assistance with filling out the enrolment forms, contact the HPLC on freecall 1800 606 313.

DVD Screening:

As part of Anti-Poverty Week, HPLC will be screening the **Equal Service: Homelessness Myths and Memories** DVD at 1pm on Thursday 18 October at Minter Ellison, with lunch to be provided. The project is a joint initiative between the Council to Homeless Person's Homelessness Advocacy Service, the Department of Justice & the HPLC. The DVD provides an inspiring & intimate journey into the relationship between poverty, family violence & homelessness, & a poignant reminder to pro bono lawyers as to why their work is so important. For more information & RSVP please contact Helen Arblaster at hplc@vicbar.com.au or on 9225 6651 prior to 9 October 2007.

Wills Training:

On 11 October from 12-2pm, the Clinic will be holding training on Wills, Power of Attorney, Family Testators Maintenance & Challenging Wills, presented by Geoff Park of McKean & Park. The training will be held at Baker & McKenzie, Level 39, 525 Collins Street, Melbourne. RSVP is essential by 8 October to Helen Arblaster at hplc@vicbar.com.au or on 9225 6651.

Art Project:

Keep an eye out over the next coming months for an exciting art project. A talented and diverse group of Melbourne based art students are currently producing miniature magazines that explore urban space. Innovative, accessible, affordable and cutting edge, the magazines will be on sale at venues around Melbourne. All sale proceeds will be generously donated by the artists to PILCH. Further information will be available in forthcoming editions. - Tanya Unger, Consumer Advisory Group Member.

Farewell:

HPLC would like to extend their sincere gratitude to Sam Ure, Stacey Steele & Joel Zyngier, outgoing Team Leaders of the HPLC who have provided an invaluable contribution to the work of their respective Clinics. We wish them well in their future endeavours.

PILCH Submission to Consumer Affairs in relation to rooming house and caravan park residents' rights

By Georgie Coleman, Minter Ellison

Victoria's current housing climate is disastrous for the homeless and disadvantaged. With booming housing prices and rent rates, the disadvantaged are increasingly excluded from the private housing market. Yet the availability of public housing has in fact decreased over the past decade, and crisis accommodation has been unable to keep up with the demand. Otherwise facing homelessness, rooming houses and caravan parks become the only remaining options, yet in such accommodation residents are frequently exploited and have very few legal rights.

It was with this in mind that the PILCH Homeless Persons' Legal Clinic (HPLC) made the submission *Less Room to Move: Better Room to Move In* to Consumer Affairs Victoria in August, in response to its Residential Accommodation Issues Paper. The submission made 20 recommendations in relation to the *Residential Tenancies Act* and its regulations, as well as the *Health and Safety Regulations*, with the aims of trying to prevent the further exclusion of disadvantaged people from the private rental market, allow for better compliance and protection of residents' rights, and update the current legislation so that it reflects the increasing use of caravan parks and rooming houses for long-term accommodation, therefore better protecting the rights of these residents.

Key recommendations included expanding the types of rooming houses that would be subject to regulatory and registration requirements in the *Health and Safety Regulations*, addressing the lack of rights for caravan park residents, law reform around the prohibition of discrimination in rental accommodation on the grounds of 'periods of homelessness' and 'source of income'. The submission also strongly recommended increased penalty rates and the introduction of better dispute resolution procedures under the *Residential Tenancies Act* to encourage large, unscrupulous rooming house operators to comply with their statutory obligations.

Accommodation is a fundamental human right and PILCH welcomed this opportunity to highlight the current issues experienced by Victoria's disadvantaged, as well as recommend improvements to both discrete and global areas of the residential accommodation framework. In preparing the submission, the HPLC was assisted by Minter Ellison, Sam Hopper of Counsel and the thousand-plus clients who have previously discussed their residential tenancy issues with HPLC lawyers.

Georgie Coleman is an Articled Clerk at Minter Ellison and a volunteer with the HPLC. She was involved in drafting the Regulatory Framework section to HPLC's submission.

HPLC GOOD NEWS STORIES

Award: HPLC congratulates Cecilia Reibl, solicitor with Blake Dawson Waldron, as the recipient of the Victorian Women Lawyers Community Justice Award for 2007. Cecilia was given the award in recognition of her outstanding contribution to community justice through her work as a volunteer solicitor with the PILCH Homeless Persons' Legal Clinic and her excellent contribution to the Human Rights Law Resource Centre on a number of matters.

Noisy Neighbours: HPLC lawyers assisted John, a public housing tenant, to deal with a neighbour who played loud music at all hours of the night and who physically abused and disrespected him. John was forced to share a driveway with his neighbour and the neighbour would park his car so as to block off the driveway. HPLC lawyers attended a hearing with VCAT but before the hearing proceeded the Office of Housing and John received an offer from the lawyers for the neighbour to settle the matter. A settlement was entered into which (a) provided that the neighbour will vacate his premises in 30 days, (b) put in place a restraining order to protect John and his flatmate and (c) reiterates the compliance orders (which the neighbour had breached a number of times previously). Further, any breach of the terms of settlement will result in a warrant for eviction within 7 days. John was very happy with this outcome.



WELCOME CARO!

Caroline Adler

Although she may be well known to many of our readers, HPLC would like to introduce Caroline Adler who begins as the new HPLC Clinic Manager on 3 October 2007. Caro is a former PILCH Secondee from Allens Arthur Robinson. During her time in private practice she worked as a volunteer lawyer for the HPLC. She has also worked as a part time policy officer and contributed to many important projects, including the 'Enrol to Vote' campaign, the establishment of the 12th HPLC Clinic at the Koonung Mental Health Centre, and most recently she played an integral role in the HPLC Photo Exhibition *No Forwarding Address: Homelessness Through Our Eyes*. Caro will be in the role full time and can be contacted at projects.pilch@vicbar.com.au or on 9225 6684.

'The right to housing goes further than the right not to be subjected to arbitrary or



forced eviction. It also involves a duty on the State to take effective action to enable its people to meet their need for a safe and secure home where they can live with dignity. That is not achieved easily or overnight, but...it is now internationally recognised that States must take appropriate action to ensure the realisation of this right.'

Nelson Mandela, Former President of South Africa

During several editions of *StreetRights* this year, I reported on observations and experiences from my 2007 Churchill fellowship. The aim of my research was to investigate ways in which to promote the human right to adequate housing at a domestic level. This was done by an examination of local and international strategies used to promote and protect housing rights. I investigated the situation on the ground in the United Kingdom, South Africa and the United States and looked at ways groups and individuals may use human rights mechanisms and other strategies to bring attention to these rights.

The development of the human rights movement is driven in part by the desire to reclaim the full legacy and meaning of international human rights. It is also driven by the potential of human rights to restore to social justice work a sense of underlying commonality of simply being human that is often lost to all of its divisions by identity, geography, issue area and belief.

In my final report I considered the following questions:

- 1) What can human rights law do to help remedy the problem of inadequate housing at a local level?
- 2) What measures must governments take to protect people against housing rights violations and what can ngos and civil society do to ensure these protections are met?
- 3) How do we ensure that our governments understand that adequate housing is essential to proper access to health, education, income, justice and social inclusion?
- 4) In addition to progressive law and policy, what needs to happen to ensure that good law and policy results in improved living conditions and greater equality?

The final report makes a number of specific recommendations including:

- 1) Establishment of a national policy and advocacy arm of the state based HPLCs
- 2) Push for new legislation based on the Scottish Homelessness Act which specifies that by 2012 every homeless individual will have access to emergency accommodation as a right
- 3) Establishment of a pro bono practice group of the Victorian Bar to encourage the development of expertise in housing and poverty law matters
- 4) Over the next 4 years lobby the Victorian government to amend the Charter of Rights and Responsibilities to include protection of economic, social and cultural rights, including the right to adequate housing
- 5) Establishment of a speaker's bureau whereby homeless or formerly homeless individuals are provided with leadership and public speaking training and are encouraged to speak to community, government and business groups about the impact of homelessness
- 6) Development of a regular specialised poverty law publication for community and pro bono practitioners to share legal information, case summaries and practise tips.

Kristen Hilton, former HPLC Coordinator and current Executive Director of the Public Interest Law Clearing House (PILCH).

THE CLINIC 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, Melb 3000

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)

NEW Koonung Mental Health Clinic

Operating fortnightly from 31 Aug 07

Friday 1pm - 3pm

Level 1, 43 Carrington Rd

Box Hill 3128

Ph: (03) 9843 5800

PILCH

Level 1, 550 Lonsdale St

Melbourne VIC 3000

1800 606 313

www.pilch.org.au