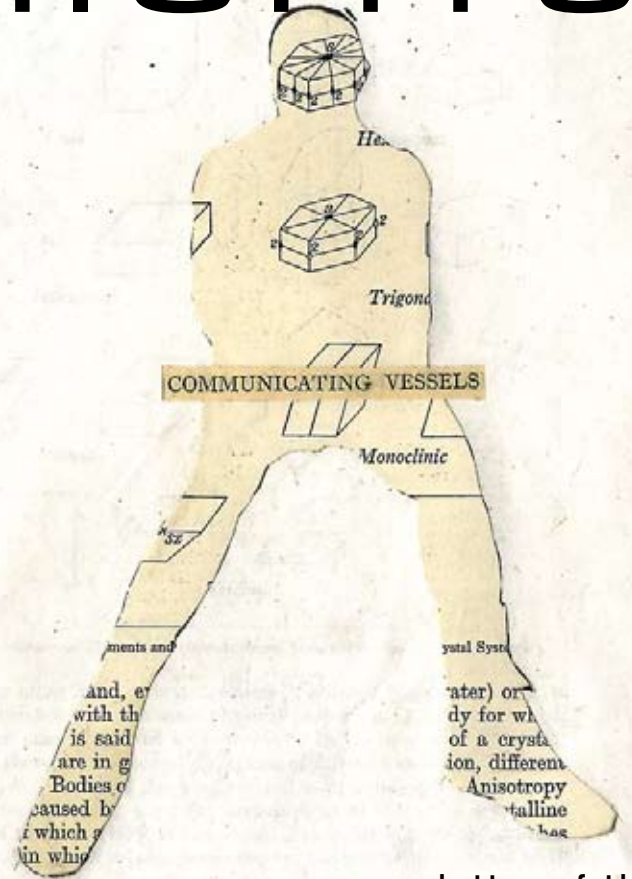
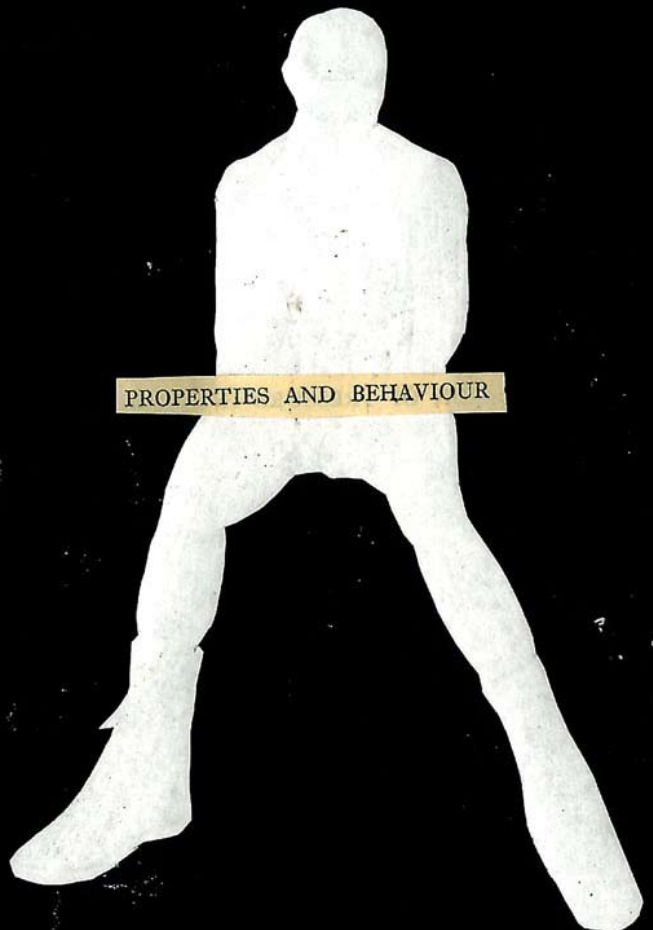
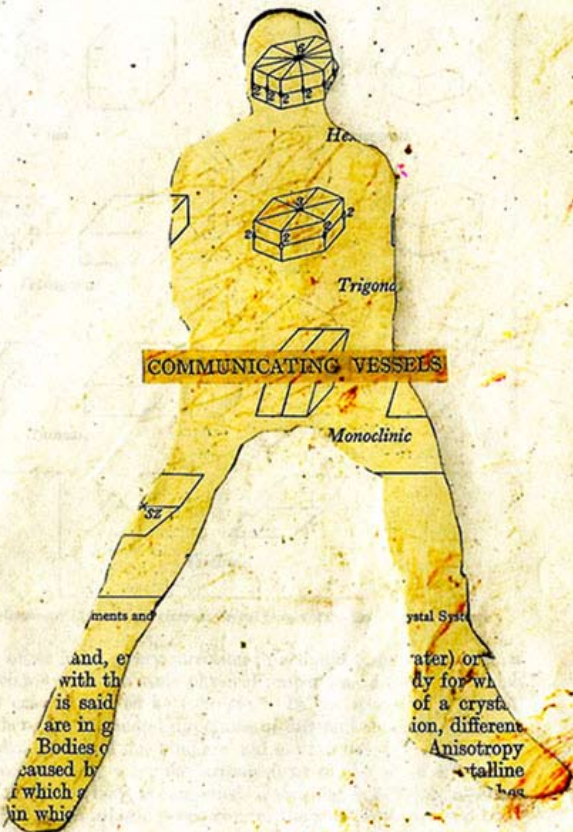


STREET

RIGHTS



newsletter of the
pilch homeless persons' legal clinic
issue 47 February 2009



On 10 December 2008, the Attorney-General announced the National Human Rights Consultation. The Consultation gives individuals and organisations throughout Australia the opportunity to have a say about the protection of fundamental values such as freedom, equality, respect, dignity and fairness.

The Federal government has appointed a Committee, chaired by Father Frank Brennan, to consult with individuals and communities about human rights in Australia.

The Committee will talk to a diverse range of individuals and communities by holding roundtable discussions in many locations around Australia. Key questions up for discussion are:

- **Which human rights and responsibilities should be protected and promoted?**
- **Are human rights sufficiently protected and promoted?**
- **How could Australia better protect and promote human rights?**

Individuals and community organisations can also make written submissions to the Committee by 15 June 2009. The Committee has been asked to report back to the Federal government by 31 August 2009 about the consultation process, the issues raised and the options identified for improving human rights protections in Australia.

During February and March 2009, through a series of workshops, the HPLC will talk to people experiencing or at risk of homelessness about human rights in Australia.

The aims of the HPLC's workshops are:

to ensure that people who are homeless or at risk of homelessness are provided with relevant information about the National Human Rights Consultation so that they are equipped to get involved in the consultation process, including by writing their own submissions; and

to collect information and data about the relationship between homelessness and human rights in Australia. The information and data will be collated and used in the HPLC's human rights campaigning and to inform our sub-

mission in response to the National Human Rights Consultation.

In April 2009, the HPLC will also hold roundtable discussions with agencies and organisations in the homelessness sector in order to create greater awareness about human rights and homelessness issues and to engage homelessness agencies and organisations in the consultation process and the debate about human rights.

Workshops and roundtable discussions will also be held by other State and Territory HPLC's, so that we can get the full picture about homelessness and human rights across Australia.

For further information go to:
www.humanrightsconsultation.gov.au
www.pilch.org.au/consultation

If you would like to be involved in a HPLC workshop or roundtable discussion please contact Helen Arblastar, HPLC Administrator, on 1800 606 313.

Victorian Bushfires leave many without a home

The HPLC extends its sympathies to those who have been affected by the Victorian Bushfires, which have wiped out towns and local communities. An estimated 7000 people have been left homeless by the fires, having lost their homes belongings and in some cases, loved ones. This large figure adds to the 105,000 Australians who experience homelessness on any given night.

HPLC staff and volunteer lawyers have been working to assist those who have been displaced by the fires with any legal issues they may have. PILCH is currently working with Victoria Legal Aid, the Federation of Community Legal Centres, the Law Institute of Victoria, The Victorian Bar and the Victoria Law Foundation to ensure an effective legal response to the crisis. People can call the bushfire legal help line on **1800 113 432**, which currently operates between 8.45 am and 5.15pm Monday to Friday.

For more information go to www.pilch.org.au/bushfirehelp

What are My Rights? Squatting

What is squatting?

Squatting is the occupation of an otherwise unoccupied house or building or land without the consent of the owner and without paying rent.

Is squatting illegal?

Yes. Squatting is wrongful occupation and is known, in legal terms, as trespass to land. It makes no difference if the property is unoccupied, abandoned, or in an uninhabitable condition.

Squatting is a civil law issue and is not in itself a criminal act. Civil actions are actions which are brought between individuals and do not involve the police. While squatting is not a criminal act, it is illegal, and the owner of the property you are occupying could bring a civil action in court and ask for compensation from you.

The most likely consequence of squatting is that you will simply be removed from the property if you do not leave when asked.

In order to have you removed from the property the owner must apply to

Assistance

If you are considering squatting on a property, or have been charged with any of the above offences, please contact the Homeless Persons' Legal Clinic for information or advice on 1800 606 313 or go to www.pilch.org.au/hplc.

the Supreme Court for either a 'summary recovery of land' or a Warrant of Possession. These allow the owner to recover possession of the land and then for a Sheriff or a Police Officer to remove you from the premises.

Unless you put up some resistance when asked to leave, that will probably be the end of the matter. It is an offence to obstruct a police officer or a sheriff in the course of his or her duty.

Criminal consequences

If you break in to the property, or if you damage the property, you could be charged with a number of criminal offences by the Police. These include:

- criminal damage to property
- burglary
- possession of house-breaking implements (such as tools)
- wilful trespass
- wilful damage to property

There are significant penalties attached to these offences, including large fines and jail time from 6 months to 10 years, depending on the circumstances.

Q&A

David Drummond
DLA Phillips Fox



What inspires you to volunteer as an HPLC lawyer?

I enjoy helping disadvantaged people who otherwise may have no access to legal assistance. The variety of HPLC work gives me experience in areas of legal practice and jurisdictions to which I would ordinarily not be exposed. The HPLC allows me to have a very hands-on approach and I like working closely with clients and building relationships with them as we work together to resolve their problems.

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

Cross country and downhill mountain biking as often as the weather and my injuries will allow. Rock climbing when not doing that.

'Where the Heart Is...' is a festival for groups and individuals who are experiencing homelessness in Melbourne. It will be a great day of music, performance, art, games, lifestyle and pampering activities, children's and young people's activities, health and community information, catching up with family and friends and enjoying a fabulous lunch. The festival is a collaboration between homeless people, workers in housing, health and support organizations, and a strong body of volunteers from across the community. The festival is on Friday 20th March between 11am-4pm at Edinburgh Gardens, Fitzroy. All activities are free of charge. Call 8327 0700 for more information.

Where the Heart is... Community Festival

The CAG Chronicle February 2009

Introducing a new member of the HPLC CAG : C

My experience of homelessness has reoccurred my whole life – 35 years. I would love to share my story so you might understand my situation. However this article is only 200 words long. I will simply say that I was abused as a child. My mother had an undiagnosed severe mental illness and we lived in poverty. After moving around a lot as a kid, I left at 17 when my stepfather grabbed a metal pole and told me to get out.

I have moved house 42 times, lived in refuges, substandard housing (no running water etc) stayed with friends and strangers. My last move was because of domestic violence. I now live in housing commission with my disabled son.

We have neighbors from hell and the house is inappropriate for my son's needs. It's traumatic. I have only slept in trains/parks for a few nights and I would never do that with my son. We are hoping to transfer; it's been a long and challenging process to get help just to put the application in.

The biggest issue I would like to address is how often people experiencing homelessness are treated badly by agencies that are set up to help them. Everyone deserves help in times of need and should be treated with compassion and respect. Unfortunately the way the current system is set up, people who need help the most are often further disempowered.

I really hope that as a member of the CAG I can address how important compassion is. People who experience homelessness need to be seen as strong, worthy and surviving life the best they can.

- C

HPLC good news stories

Centrelink: Peter sought assistance from HPLC Lawyers to re-instate his Newstart Allowance. It had been suspended for an 8 week period due to his alleged failure to meet the requirements for the allowance. Centrelink alleged that Peter had committed three participation failures. HPLC lawyers attended Peter's Social Security Appeals Tribunal hearing, where Peter was asked a number of questions surrounding the reasons for each of his three participation failures. The Social Security Appeals Tribunal (SSAT) subsequently notified HPLC Lawyers that Peter's appeal had been successful, and that he would not be subject to an 8 week non-payment period. Centrelink accepted the SSAT's decision that two of the alleged participation failures had not occurred, and chose not to appeal the decision.

VCAT Hearing: Jane asked the HPLC to represent her at VCAT after she was served with a possession order brought by Director of Housing under s244 of *Residential Tenancies Act*. The Landlord alleged that Jane had endangered the safety of occupiers of neighboring premises. HPLC Lawyers arranged representation at the VCAT hearing, after attempts to negotiate with the Director of Housing were unsuccessful. The matter was withdrawn by the Director of Housing as a key witness did not attend. Jane is now able to remain in her property.

* Names have been changed

Subscribe

Please contact 1800 606 313 or hplic@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

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

Loddon Mallee Housing

Services

20-30 View Street

Every second Tuesday, 2pm - 4pm

St Luke's Anglicare

175 Hargreaves Street, Bendigo

Every second Friday, 10am - 12pm

PILCH

Level 17, 461 Bourke Street

Melbourne, VIC 3000

(03) 8636 4408 or 1800 606 313

www.pilch.org.au