

# STREET RIGHTS

newsletter of the pilch homeless persons' legal clinic  
issue 58 | february 2010

A person is silhouetted against a bright, glowing doorway at night. The person is walking away from the camera, carrying a bag. The scene is dark, with the doorway providing the primary light source, creating a strong contrast and a sense of movement. The background shows blurred lights and structures, suggesting an urban environment.

public housing edition

The HPLC believes that the right to adequate housing is a human right which needs to be better protected in Australia. At the moment the Victorian Parliament Family and Community Development Committee are investigating and reporting on how public housing in Victoria can be improved. They have asked for submissions about:

- public housing waiting lists
- the impact that public housing has on individuals and families
- the standards, safety and location of public housing.

The HPLC put in a submission to the committee focussing on the real experiences of public housing tenants and highlighting the problems they face. The HPLC interviewed six people to ask about their experience of applying for and living in public housing, and how they think things could be improved.

According to many of the tenants we spoke to, and many of the clients we help every week, public housing is not adequate, habitable, accessible, appropriate or safe. One of our interviewees, Susan\*, talks about her difficulties with getting housing when having a family. She said that '[t]he impact of getting housing has been huge for the children. Not only because they weren't settled but the impact of moving around ... you have to take whatever they offer you.'

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**...I was still being threatened with homelessness and I just wanted somewhere to live that was mine that I could call home...**  
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The HPLC has recommended that all housing needs to be of an adequate standard. Another woman we spoke to, Claire\*, told us that when she was in public housing, 'one place the windows wouldn't close and it was old and full of mice and rats.' Claire had experienced domestic violence in her earlier life but was put into a property with her son where her neighbours were involved in a domestic violence relationship. She said that '[o]n the week we moved in I witnessed the guy slamming the woman's head into a car door and pulling her into a car as she screamed against her will. She was heavily pregnant at the time and my son saw the whole thing.'

Diane\* had a similar experience where, despite having a history of drug abuse, she was put into accommodation where drug abusers and dealers were nearby. The HPLC believes that being given this type of housing is not in the interests of the tenant and is not a supportive environment to live in.

The HPLC's submission also talks about the difficulty with waiting lists and dealing with housing workers. Susan comments that 'I had met all my obli-

gations in terms of my tenancy and the Office of Housing and yet I was still being threatened with homelessness and I just wanted somewhere to live that was mine that I could call home.'

The HPLC recommended that the government put a number of strategies in place to improve and guide the future direction of public housing. These included training housing services and their staff to deal with emotional needs and physical security of people experiencing domestic violence, substance abuse and mental health issues.

We hope that the Government will listen to the recommendations made by the HPLC and the stories given by the tenants in an effort to create safer, more habitable and accessible housing.

## Have Your Say

In April 2010, DHS and the HPLC will be holding consultations with people who have lived in public housing to hear what they have to say about waiting lists, the standards, safety and location of the public housing, and the effect that those things have had on them. Find out more in the next edition of Street Rights.

\* Names have been changed

# What are My Rights? Refusing offers of public housing

You can refuse an offer of housing from the Office of Housing if the property that is offered does not meet your property or location requirements. The Office of Housing's Policy lets you refuse an offered property if it does not meet your medical needs - for example if you cannot walk up stairs then an offer of a property with stairs is actually an invalid offer.

## What to do

Tell the Office of Housing about any special property or location requirements you have as soon as possible. The Office of Housing must approve your special property or location requirements before your requirements will be included in your application for housing. You should provide the Office of Housing with a letter from your doctor as evidence of any special requirement, as well as any other evidence you have to show that you have a special requirement.

When you inspect a property that has been offered to you, you should immediately tell the Office of Housing representative if the property does not meet any special property or location requirements that you have.

If the Office of Housing has already approved your special property or location requirements and the property does not meet these approved requirements, then you should point out to the Office of Housing representative that the offered property does not meet your special property or location requirements.

If the Office of Housing has not already approved your special property or location requirements, then you can explain what these requirements are to the Office of Housing representative and explain that you are refusing the property because it does not meet these needs. You must then provide the Office of

Housing with evidence of your special property or location requirements within 28 days of refusing the offer, so that the Office of Housing can approve your special property or location requirements. There is a risk that the Office of Housing will refuse to approve your special requirements.

## When the Office of Housing has already approved your special requirements

It is better if you have already told the Office of Housing all of your special property or location requirements and the Office of Housing has approved all of these requirements for you medical needs. If an offered property does not meet your special property or location requirements already approved by the Office of Housing, then the offer of the property is invalid.

## When the Office of Housing has not previously approved your special requirements

You will need the Office of Housing to approve your special property or location requirements if you have not previously told the Office of Housing about your special requirements, and there is a risk that the Office of Housing may refuse to give this approval.

If the Office of Housing approves your special property or location requirements, then the offer of housing which did not meet these requirements is invalid and not counted as an offer of housing to you. However, if the Office of Housing decides not to approve your special property or location requirements, then the offer of housing is treated as valid and your refusal of the offer reduces the number of offers of housing that the Office of Housing will give you.

**IMPORTANT:** If you don't have special requirements you are able to receive up to two valid offers of housing.

## Q&A

Swee Leng Harris  
Allens Arthur Robinson



### What inspires you to volunteer as a lawyer at the Homeless Persons' Legal Clinic?

There is a quote from Mother Teresa that 'In this life, we cannot do great things. We can only do small things with great love.' While I'm no Mother Teresa, those words reflect how I feel about my HPLC work.

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

I read, swim, practice yoga, share a drink with friends (usually red wine or single malt whisky), study Mandarin, and sing in a French choir called La La La (we're always looking for tenors and basses if anyone is interested! [http://home.vicnet.net.au/~la\\_la\\_la/](http://home.vicnet.net.au/~la_la_la/)).

If you refuse all valid offers your application will be rejected from the waiting list and you will need to reapply.

If you have an early housing application you will only be offered one property as an early allocation. If you refuse this offer your early allocation status will be removed and you will be placed in the 'wait-turn' category.

### Further information

For more information please contact the HPLC on 1800 606 313.

# CAG Chronicle February 2010

My name is Van and I live in public housing. Recently I joined the HPLC's Consumer Advisory Group.

I believe that over aged public housing (55 and above) has become a dumping ground for people suffering mental health issues. Some tenants in my building have complex and varied mental health problems and have little or no adequate care provided for them. Some of these tenants are socially isolated and find it difficult to address normal day-to-day issues. There needs to be a plan of action to help these people resolve their problems, which include fundamental things like getting the correct medication, feeding themselves and cleaning their apartments.

What is happening is an 'us and them' mentality. Residents that do not have mental health issues are expected to deal with associated problems. Some tenants feel threatened and are in fear which is impacting on and destabilising the harmony of the community at large. Most residents are not opposed to people with mental health issues living here but are concerned that these tenants are not adequately cared for.

Everybody has the right to public housing without question, but some tenants impact heavily on others who do not suffer mental health issues. I feel something needs to be done to address these problems so that all tenants can enjoy a peaceful and harmonious life.

Last year, I did a spoken word story with a student from Swinburne College for 'Isepick' on behalf of the Department of Human Services. The story I told was about problems living in public housing, my main focus being on mental health issues. My attempt to bring these issues to a head was squashed. The Department of Human Services (DHS) withdrew my story and other participants' stories from Housing Week last year. This was very disappointing and seems to underline the fact that the DHS is not interested, gun shy or unable to do anything.

More recently I gave an interview as part of the Government's Public Housing Inquiry where I raised some of these issues about living in public housing. My testimony, along with fellow CAG members', was included in a submission that the HPLC made to the Government as part of the inquiry. Hopefully they will listen up and hear what tenants have to say about the state of public housing and how things can be improved.

- Van

## HPLC good news story

Michael\* experienced a highly offensive racial slur from one of his managers at work. As an African asylum seeker, Michael was so distressed by this abuse that he resigned the following morning. Michael approached the HPLC to see if there was anything he could do to challenge his treatment at work.

HPLC lawyers assisted Michael to issue unfair dismissal and unlawful termination claims against his employer in Fair Work Australia, even though we were outside the time limit for bringing a claim. We argued that Michael's 'resignation' was in fact a constructive dismissal, because Michael was left with no real choice but to resign given the racial abuse against him. We also applied for an extension of time in which to bring the claim. Michael's employer wholly denied the allegations, resisted our extension of time application, and applied for our claim to be dismissed on the basis that Michael had voluntarily resigned. His employer also refused to reinstate Michael to his previous job, and offered very little by way of compensation. Before the matter proceeded to a hearing on a jurisdictional issue, HPLC lawyers negotiated a confidential settlement with Michael's employer, and Michael received compensation that was over double the amount of the original offer.

\* 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

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

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  
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[www.pilch.org.au](http://www.pilch.org.au)