

STREET RIGHTS

newsletter of the pilch homeless persons' legal clinic
issue 50 june 2009



New targeted legal service for women

On Tuesday 16 June the HPLC opened its 14th outreach location, a targeted service for women and their accompanying children. The new clinic is hosted by the St Kilda Crisis Contact Centre in conjunction with its family violence outreach team every Tuesday and will be staffed by volunteer lawyers from Freehills law firm.

The HPLC is very excited to get the new clinic up and running. Family violence is the major cause of homelessness in Australia, and for some time the HPLC has been concerned that women who are homeless as a result of family violence may have difficulty accessing legal help.

The idea for our women's outreach clinic came from a report that we released in late 2007 about the legal need of women (and accompanying children) who are homeless or at risk of homelessness as a result of family violence.

The report found that there is a huge amount of unmet legal need amongst vulnerable women in relation to 'post crisis' issues such as credit and debt, tenancy, and fines. The report also found that over 70% of the HPLC's clients were male. This statistic does not properly reflect the demographics for the homeless population, meaning that there are many women who are homeless or at risk of homelessness that

could be going without legal assistance from the HPLC.

The major recommendation coming out of our report was that the HPLC establish a targeted legal outreach clinic for women.

The new clinic will provide the same types of services that the HPLC normally provides, but will do so in a way that is specific to women. While the overarching theme is family violence, the clinic will see any woman who is homeless or at risk of homelessness who comes to at the clinic. We can assist with the following types of legal issue:

- housing & tenancy
- fines & infringement notices
- centrelink issues
- credit & debt
- family violence
- victims of crime
- guardianship & administration
- discrimination
- human rights

Legal services are available on Tuesdays (appointment or drop in) between 12pm and 3pm.

If you would like more information, or if you would like to make an appointment to attend the clinic please call us on 1800 606 313.

**St Kilda Crisis
Contact Centre
(for women and their
accompanying children)**

**29 Grey St
St Kilda 3182**

**Tuesdays 12pm - 3pm
Trams 79, 96, 112**

The HPLC acknowledges the generous support of the Sidney Myer Fund



Family Violence and Residential Tenancies

If you are a victim of family violence, you should speak to the Police about getting an order against the perpetrator of the violence to protect you. If you live with the perpetrator, you should ask the Police to include a condition in the order which will stop the perpetrator from entering your home. This is called an **exclusion condition**.

So how does this order affect your residential tenancy?

The Victorian Civil and Administrative Tribunal (VCAT) has the power to make orders for your existing tenancy arrangements to be changed if you have a protection order with an exclusion condition. You can make an application to VCAT for your tenancy arrangement to be changed even if you are not a tenant under the agreement - you just have to have lived in the rented premises as your main place of residence. The type of order you want from VCAT will depend on whether you want to leave your home, or stay.

Do you want to leave?

If you want to leave your rented home, you can make an application to VCAT to have the length of your tenancy agreement reduced. This will only matter to you if the term of your tenancy agreement is for a specified period, usually 6 months or 1 year. If you have a periodic tenancy, where you pay rent weekly or monthly, you won't need to apply for this order. You can just end the tenancy by giving one rent period's notice - ie one week or one month.

Do you want to stay?

If you want to stay in your home, you can make an application to VCAT for

an order to end the existing tenancy agreement and get the landlord to enter into a new agreement with you. VCAT will ask you to show how you and/or your children will suffer if you were forced to leave (eg. you'd have nowhere to go, there would be safety issues and limited access to services and schools). This will show that your hardship would be greater than any hardship the landlord would suffer if you were to stay.

You will need to think about whether you will be able to keep paying the rent, the bond and maintaining the premises on your own. If you don't think you will be able to, you should consider asking another person(s) to be a tenant with you.

Can I change the locks?

Yes, you can change the locks even if your name isn't on the lease. You don't have to apply to VCAT to do this, but you do need a protection order with an exclusion condition. You need to give a copy of the new key to your landlord or agent as soon as possible, as well as a copy of your protection order. The landlord is not allowed to give the key to the excluded person.

How do I make an application to VCAT?

Application forms for VCAT for 'protected persons' can be downloaded from the VCAT website at www.vcat.vic.gov.au under the Residential Tenancies section. There is also a Guide which explains how to complete the form. It is your responsibility to give or send the perpetrator of the violence a copy of your application form. If for some reason this is not possible, you should tell VCAT in

Q&A

Libby Penman
Freehills



What inspires you to volunteer as an HPLC lawyer?

The client contact, the real life stories and the sense of reward you get from helping disadvantaged people who could not otherwise obtain legal assistance. I love how the advice you give really makes a difference to someone's life, and how appreciative the clients always are for your help. It's also nice to get out of the office and do something a bit different!

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

My housemates would say I spend a lot of time in the kitchen cooking and enjoying good food and wine with friends. I also take every opportunity to get out of the city, whether it's to the local farmers market or further afar on a road trip or camping adventure. I love photography and spend a lot of time decorating my house and playing with my travel photos.

writing as soon as possible.

You will be able to bring a support person with you to the VCAT hearing, and you don't have to go into the hearing room or give evidence in front of the perpetrator if you don't want to.

If you need assistance, please call the Homeless Persons' Legal Clinic for information or advice on 1800 606 313.

The CAG Chronicle June 2009

I am a CAG member who has experienced homelessness due to domestic violence. When I lived with domestic violence I felt like I was walking on eggshells, and when I left I felt exhilarated but terrified. It was the first time in my life that I needed legal advice. There were so many things to organise just to try and stay alive and keep my kids safe. My fear of being found was so great that anyone who looked even a little like my ex-partner would send me into a panic on the street until I realised it wasn't him.

Facing homelessness, negotiating help and having to look after kids with no support was one of the most challenging times of my life. It took me years to feel safe again and to rebuild my life into something that resembled 'normal'.

I really support the new women and children's legal clinic that the HPLC has set up at the St Kilda Crisis Contact Centre. Women who escape domestic violence often face homelessness and need legal advice, and this clinic will really help them. The staff are trained in domestic violence issues, and being a women and children specific service it will be a friendly and safe place to get the advice and assistance they need. I am really excited about this opening.

- C

HPLC good news stories

Julie is a 30 year-old woman, who in 1995 ran away from home permanently.

Whilst living on the streets Julie became opiate dependent and resorted to prostitution and criminal activity to fund her addiction. HPLC lawyers have recently acted for Julie in relation to \$23K in unpaid fines.

HPLC lawyers lodged a special circumstances application on behalf of Julie, arguing that Julie was eligible for special circumstances owing to her drug addiction, homelessness and depressive state of mind. The infringements court found special circumstances existed and placed Julie on a conditional undertaking for six months requiring her to continue her drug rehabilitation treatment. The judicial registrar also made an order recommending that the compulsory toll enforcement agency costs not be enforced.

Julie was delighted with the result and is now focussing on getting her life back on track.

* Names have been changed

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 - 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

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