

STREET RIGHTS

NEWSLETTER OF THE PILCH HOMELESS PERSONS' LEGAL CLINIC

Edition 29 – July 2007

No Forwarding Address: Homelessness Through Our Eyes

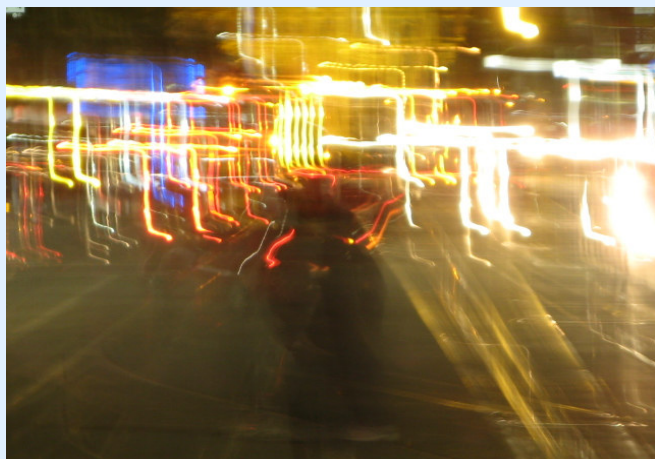


Photo: Troy Brabham

'Perhaps what is wrong with this country is that we have lost our generosity of spirit. We are missing our sense of empathy.

Maybe it is out there somewhere beyond the city lights. I hope these pictures will help bring it back.'

- Troy Brabham, Artist

From 5th -12th August the HPLC in collaboration with the Future Focus Group will present a powerful photographic exhibition capturing life through the eyes of those who have experienced homelessness. The exhibition will feature over 80 images and will be officially launched by Tim Costello with back up vocals from the Choir of Hard Knocks.

Event details

Date: Monday 6-Aug-07 to Sunday 12-Aug-07

Location: Atrium

Tickets: Free

We are very grateful for the generous assistance of a number of organisations: Allens Arthur Robinson, ANZ, Australia Post, The Colour Factory, Committee For Melbourne, Federation Square, Fentons Communications, KPMG, Maunsells, Metlink, Multiplex, RACV, Rio Tinto and VicUrban and in particular, the mentor team.

For more information about the exhibition please call the Clinic on 9225 6684.

GOOD NEWS STORIES

Traffic Infringements: HPLC lawyers attended the Melbourne Magistrates' Court on behalf of Laura* who had received four enforcement orders for various traffic infringements. Lawyers successfully applied to have the fines dismissed because of Laura's special circumstances, citing her drug dependence, homelessness and bipolar affective disorder.

Debt: HPLC lawyers acted for James*, a young person living in transitional housing. A telecommunications company was pursuing James for several months of unpaid bills for a home line telephone. As a result of his failure to pay the amount claimed for his home line telephone. The company stated that it reserved the right to deny James access to its products or services in the future unless the amount claimed was paid up-front and in full. The failure to pay the amount could have also adversely affected his credit rating.

James' only source of income was Centrelink payments, and it was likely that he would not have a telephone in the future to stay in contact with a variety of community services and to find employment. If he was required to pay the amount claimed up-front and in full, or if it affected his credit rating, this would have disadvantaged him severely.

HPLC lawyers contacted the Telecommunications Industry Ombudsman, and were provided with the contact phone number for a senior complaint officer at the company. The Telecommunications Industry Ombudsman provided a timeframe within which company had to resolve James' complaint. HPLC lawyers argued that, as James was a minor at the time the contract was entered into, the contract was not enforceable against him. Lawyers also described James' distressing housing and financial situation and detailed the extreme hardship that would be suffered if James was denied access to the company's products or services as a result of the failure to pay. After receipt of the letter from HPLC, the company agreed to write-off the claimed amount and confirmed that they had not requested a default listing with a Credit Reporting Bureau in relation to James' account.

*Names have been changed

ADDRESSING DISADVANTAGE IN THE RESIDENTIAL ACCOMMODATION SECTOR

As part of the *Addressing Disadvantage- Investing in a Fairer Victoria* policy, the State Government has committed to enhancing protection for tenants including residents of rooming houses, caravans, residential parks and student housing. The Homeless Persons' Legal Clinic is currently preparing a submission paper with particular focus on issues arising for residents of rooming houses and tenants living in caravan parks which will argue for better regulation and tenancy protection. Rooming houses are a low cost form of accommodation for the increasing number of people who are unable to access or afford private rental accommodation. The Clinic has particular concerns in relation to the treatment of rooming house tenants who can be evicted with very short notice. Similarly, caravan parks have become a source of housing for those who are at risk of homelessness or those who are unable to find more permanent accommodation. The standard of accommodation in rooming houses and caravan parks can vary and it is important that reforms to State legislation ensure that rooming houses and caravan parks provide adequate, appropriate and safe housing for residents.

If you have anything you would like to contribute to the Clinic's submission, please contact us on 9225 6684 or alternatively, you can make an independent submission by emailing: residential.accommodation@justice.vic.gov.au.

HPLC CHALLENGES COMMONWEALTH ACCESS CARD LEGISLATION

On 21 June 2007, the Commonwealth Minister for Human Services released a draft of the *Human Services (Enhanced Service Delivery) Bill 2007* (the **Bill**) for public comment. The purpose of the Bill is to introduce the Health and Social Services Access Card (**Access Card**) which will facilitate access to Australian Government health and social service benefits. The Access Card is intended to streamline the access to benefits and replace existing cards, including the Medicare and Health Care cards. However, the Clinic remains seriously concerned about the privacy, security and human rights implications of the Access Card under the current exposure draft. It is the Clinic's view that these implications would impact particularly on our client group.

Despite assurances from the Government that Access Card holders' personal information will be subject to legislative and technological privacy safeguards, the Clinic has the following concerns with respect to the proposed legislation:

1. The Bill provides that the Commonwealth may withhold payment of certain benefits if a person fails to properly register within two years of the Act coming into effect.

In order to register for an Access Card, an individual must provide identity documents including, an Australian passport, an Australian birth certificate, an Australian citizenship certificate; or a foreign passport and current Australian visa. In addition to proof of identity, an individual must also present two 'use of identity' documents, which can include a driver's licence, rate notice with the person's name and address, account statement from an Australian financial institution or student card.

The HPLC is concerned that homeless persons may have difficulty in establishing sufficient proof and use of identity or providing a current address. The itinerant nature of the lives of many homeless people may make it difficult for individuals to obtain and keep copies of identifying documentation or providing an address so that use of identity documents can be issued. Failure to meet proof of identity requirements may mean that individuals who rely on Commonwealth payments such as social security payments will be denied access to benefits to which they are otherwise entitled.

2. The photograph, signature and personal number of an individual will be visible on the face of the Access Card. This poses privacy concerns particularly for those who have become homeless as a result of family violence or abuse. On recent estimates this constitutes more than 30% of the homeless population.
3. The Bill fails to make provisions for notifying an individual if their privacy is breached. This is particularly concerning because scanned copies of proof of identity documents will be retained by the Department of Human Services until identity has been sufficiently verified.
4. The Federal Police and ASIO will have access to the information contained in the Access Card register without the need to obtain a warrant. These agencies can request access to the information on the database if a person is under investigation for a crime punishable by a minimum of 2 years imprisonment.
5. The Bill does not name the agencies and authorities that will have use of Access Card readers. The HPLC is concerned that authorities and agencies with access to registered information may discriminate against homeless people in the provision of goods and services, based on information in the database pertaining to their health, housing or financial status. We already see this happen in relation to residential tenancy blacklists and unregulated criminal record discrimination.
6. Access Cards will be read by ATM/EFTPOS terminals to enable emergency payments to be made. This facility may provide non-government agencies, such as banks, with access to an individual's personal information, the nature of which may influence a decision to provide particular goods or services to an individual.

The Clinic, with the generous support of Allens Arthur Robinson is currently reviewing the exposure draft of the Bill to determine whether its provisions infringe current Australian privacy legislation and / or the right to privacy and the right to be free from discrimination under international human rights law and will suggest recommendations for changes to the Bill where appropriate.

If you have any questions, or would like further information on this issue, please contact Kristen Hilton via phone on 9225 6684 or via email at projects.pilch@vicbar.com.au.

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)*

PILCH

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