

STREET RIGHTS

NEWSLETTER OF THE PILCH HOMELESS PERSONS' LEGAL CLINIC

Edition 30 – August 2007

No Forwarding Address: Homelessness Through Our Eyes Exhibition Launch



PILCH Homeless Persons' Legal Clinic
COMMITTEE FOR FUTURE FOCUS
MELBOURNE GROUP



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 or if you are interested in purchasing photos from the exhibition please call the Clinic on 9225 6651.

HEART AND HOPE

Sunday 12th August saw the close of the "No Forwarding Address: Homelessness Through Our Eyes" photographic exhibition at Federation Square. Hopefully what was created here will continue for years to come, changing perceptions about those experiencing homelessness, and giving hope to the homeless.

Without exception, everyone I spoke to was impressed with the setup of the exhibition and the standard of the work. Considering the topic, the vibrancy and variety of the photos was amazing. Images ranged from great shots to expert photo manipulations, yet all told their stories and touched hearts.

Each artist's work was enhanced by the framing, title plates and artist statements. There truly were some amazing things written there for all to see, stark and emotion packed. My friends from all over Melbourne and Sydney were blown away at the opening night.

Upon entering BMW Edge, people were in just about every seat, and standing around the gallery. The Choir Of Hard Knocks, artists, and their mentors filled the front of the auditorium in a swirl of dress and colour. As was the goal of this exhibition nobody would have picked any of us as a stereotypical homeless person. Each person did the project proud, and people from all walks of life mixed in an almost carnival atmosphere, sharing the moment.

The Choir Of Hard Knocks gave a tremendous performance, including a moving rendition of *Hallelujah*. They received much applause and many accolades, as did the artists and mentors. The Reverend Tim Costello, David Krasnostein and Kristen Hilton from PILCH, and Ghada of the Future

Focus Group, gave some stirring speeches that really spoke about homelessness, what we experience, and what needs to be done. However, the most moving speeches of all were given by Tanya Unger and James McParland. These are two of the talented and amazing artists who told their stories, each extraordinary in their own way. Their tales were of tragedy and triumph, as were all of the others. It was both humbling and a privilege to work with and among such brave and talented people. Despite all adversity, hope prevails and light lives.

For many this was the first time to tell their stories and showcase their talents. Hopefully this will be a life-changing experience that will remain with them as they touch others with their spirit and tenacity. It is a much needed project for a worthy cause, and should be run again. Over time as more stories are told, understanding and acceptance may prevail, ending the stigma and stereotyping of what is a growing problem in today's socio/economic climate. Remember, we are all one pay away from homelessness.

I would like to leave you with this quote: "I did not know how empty was my soul until it was filled." - *King Arthur, Excalibur*

Remember your respect, your kind word or your smile, could fill someone's soul, if only for a moment.
Rebecca Allen, Artist

HPLC GOOD NEWS STORIES

Centrelink: HPLC lawyers assisted Peter and Jenny to challenge a decision by Centrelink to treat them as a *de facto* couple for the purposes of their disability pensions. Centrelink's decision meant that both Peter and Jenny would receive \$80 less a fortnight on which to live. Centrelink also sought to enforce a debt against both Peter and Jenny on the basis that they had been a *de facto* couple since October 2002 (the date they first met) and had received overpayments of \$6,000 each since this date.

Peter and Jenny disputed that they were or ever had been a de-facto couple and they did not fit the criteria of living in a 'marriage-like' relationship. Both had separate residences and paid separate rent. They did not share finances or assets and considered themselves as close friends. Jenny took responsibility for cooking and cleaning for Peter, as Peter was unable to complete these tasks due to muscular dystrophy. HPLC lawyers successfully obtained a review of their case, and the Centrelink Authorised Review Office acknowledged that Centrelink had erred in its initial decisions to treat Peter and Jenny as a couple. The ARO overturned the decisions and Peter and Jenny received back payments for the underpayment of the disability pensions since 2005 and their Centrelink debts were withdrawn. Both are now receiving the full rate of pension.

NEWS AND EVENTS

HPLC launches Free Call number: The Clinic is proud to announce a new free call number through which to contact the Clinic, made possible by funds generated from the photo exhibition (see over). It is envisaged that the free call number will make our service more accessible, and can be used to access legal advice or further information on our Clinics. **HPLC FREE CALL: 1800 606 313**

New Clinic: The 12th Homeless Person's Legal Clinic will be launched on Friday 31 August at 12:00pm at the Koonung Mental Health Clinic in Box Hill (see below right for details). It is hoped the Clinic will provide assistance to people who suffer from mental illness or mental health problems.

Access Card Submission: In 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 Bill proposes to introduce the Access Card to facilitate access to Australian Government health and social benefits. The Clinic prepared a submission in response to the Bill, focussing on the ambivalent application processes and administration of the Access Card, Potential privacy implications and the Bill's worrying capacity to further entrench discriminatory practices against people who are homeless or at risk of homelessness. For example, the Bill states that the card must not be used as a 'national identity card'. However, while it may be appropriate for the Access Card to be used as a form of identification in certain circumstances, the card may be inappropriately demanded by organisations and individuals within the private sector (such as landlords) as a form of identification, leading to the potential for breaches of privacy and discrimination on the basis of social status. Please contact the Clinic for a copy of the submission.

Mapping the Legal Needs of Women Escaping Family Violence

The PILCH Homeless Persons' Legal Clinic (the **Clinic**) is currently undertaking a project in relation to the issue of homelessness and family violence. The project will map the legal needs of women who experience homelessness as a result of family violence, map the services currently available, examine the barriers that may exist to prevent women from accessing services and consider whether there are gaps in service provision.

Research conducted as part of the project indicates that the legal needs of women who have become homeless as a result of family violence fall within two categories: those that arise in connection with the woman's circumstances at the point of crisis, and longer term issues.

At the point of crisis, women's legal needs commonly centre around safety issues and arrangements regarding children. Women at this stage will often require assistance in obtaining intervention orders and with family law matters. In Victoria, there is a well established crisis support network for women leaving family violence situations, which has sound links to legal service providers. While there remain questions regarding the barriers preventing some groups of women from accessing crisis support services, it is clear that those who are able to do so will generally have their legal needs met in relation to crisis-point issues.

A range of other legal issues generally arise when a woman leaves home due to family violence. Women often deal with these matters over a longer period of time, after the resolution of more urgent crisis issues. These include immigration issues (for example, women on spousal or temporary protection visas), child protection (relevant for women trying to regain custody of children who are removed from their care), Centrelink matters (such as accessing crisis payments), tenancy, and financial issues.

Financial issues around credit and debt appears to present a particularly significant challenge. Research demonstrates that women are disproportionately affected by 'sexually transmitted debt', or debt that has been incurred by the woman's partner and transferred to the woman. An example of this type of debt may occur when a loan is taken out in the names of both partners and on breakdown of the relationship, the man ceases to make repayments and the woman is left with sole responsibility for the debt. The extent to which women are able to access legal assistance in relation to these longer-term legal issues is a question that the Clinic is currently investigating.

As part of the Project, the Clinic is also looking at certain aspects of the Victorian Law Reform Commission's report *Review of Family Violence Laws* (2006). Of particular interest to the clinic are the recommendations around removing the perpetrator of violence from the home, rather than requiring the victim of violence to vacate. The Commission's report includes a number of recommendations that aim to facilitate women experiencing family violence being able to remain in the home if they so choose. Further, the recently introduced Police Code of Practice in relation to family violence aims to support 'aggrieved family members' to remain safely in their home. Given these developments, the Clinic is considering the legal assistance women may require in order to remain safely in their homes if the offender has been removed. Thus far, the research has demonstrated that the legal needs of women who stay in the home are remarkably similar to those who leave, with issues relating to safety being of primary concern, and financial matters becoming central over the long term. Some studies suggest that financial issues present the most difficult challenge to women being able to remain in the home as women may not be able to afford rental or mortgage payments on a single income.

The Clinic welcomes input on these issues from organisations with experience in the family violence, homelessness and related sectors. To discuss the matters further, or to obtain more information about the project or the Clinic, please call (03) 9225 6684.

Nareeda Lewers, Volunteer PILCH Homeless Persons' Legal Clinic

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
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Melbourne VIC 3000
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